

# PART 1

## LAWS OF LOCAL APPLICATION

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## § 1-1. SCOPE OF COUNTY LEGISLATIVE POWER.

(a) The governing authority of each County shall have legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general law and which is not inconsistent with this constitution, or any local law applicable thereto. Any such local law shall remain in force and effect until amended or repealed as provided in subparagraph (b). This, however, shall not restrict the authority of the general assembly by general law to further define this power or to broaden, limit or otherwise regulate the exercise thereof. The general assembly shall not pass any local law to repeal, modify or supersede any action taken by a county governing authority under this section except as authorized under subparagraph (e) hereof.

(b) Except as provided in subparagraph (c), a county may, as an incident of its home rule power, amend or repeal the local acts applicable to its governing authority by following either of the procedures hereinafter set forth:

(1) Such local acts may be amended or repealed by a resolution or ordinance duly adopted at two regular consecutive meetings of the county governing authority not less than seven nor more than 60 days apart. A notice containing a synopsis of the proposed amendment or repeal shall be published in the official county organ once a week for three weeks within a period of 60 days immediately preceding its final adoption. Such notice shall state that a copy of the proposed amendment or repeal is on file in the office of the clerk of the superior court of the county for the purpose of examination and inspection by the public. The clerk of the superior court shall furnish anyone, upon written request, a copy of the proposed amendment or repeal. No amendment or repeal hereunder shall be valid to change or repeal an amendment adopted pursuant to a referendum as provided in (2) of this subparagraph or to change or repeal a local act of the general assembly ratified in a referendum by the electors of such county unless at least 12 months have elapsed after such referendum. No amendment hereunder shall be valid if inconsistent with any provision of this constitution or if provision has been made therefor by general law.

(2) Amendments to or repeals of such local acts or ordinances, resolutions or regulations adopted pursuant to subparagraph (a) hereof may be initiated by a petition filed with the judge of the probate-court of the county containing, in cases of counties with a population of 5,000 or less, the signatures of at least 25 percent of the electors registered to vote in the last general election; in cases of counties with a population of more than 5,000 but not more than 50,000 at least 20 percent of the electors registered to vote in the last general election; and, in cases of a county with a population of more than 50,000, at least 10 percent of the electors registered to vote in the last general election, which petition shall specifically set forth the exact language of the proposed amendment or repeal. The judge of the probate court shall determine the validity of such petition within 60 days of its being filed with the judge of the probate court. In the event the judge of the probate court determines that such petition is valid, it shall be his duty to issue the call for an election for the purpose of submitting such amendment or repeal to the registered electors of the county for their approval or rejection. Such call shall be issued not less than 10 nor more than 60 days after the date of the filing of the petition. He shall set the date of such election for a day not less than 60 nor more than 90 days after the date of such filing. The judge of the probate court shall cause a notice of the date of said election to be published in the official organ of the county once a week for three weeks immediately preceding such date. Said notice shall also contain a synopsis of the proposed amendment or repeal and shall state that a copy thereof is on file in the office of the judge of the probate court of the county for the purpose of examination and inspection by the public. The judge of the probate court shall furnish anyone, upon written request, a copy of the proposed amendment or repeal. If more than one-half of the votes cast on such question are for approval of the amendment or repeal, it shall become of full force and effect; otherwise it shall be void and of no force and effect. The expense of such election shall be borne by the county, and it shall be the duty of the judge of the probate court to hold and conduct such election. Such election shall be held under the same laws and rules and regulations as govern special elections, except as

otherwise provided herein. It shall be the duty of the judge of the probate court to canvass the returns and declare and certify the result of the election. It shall be his further duty to certify result thereof to the secretary of state in accordance with the provisions of subparagraph (g) of this paragraph. A referendum on any such amendment or repeal shall not be held more often than once each year. No amendment hereunder shall be valid if inconsistent with any provision of this constitution or if provision has been made therefor by general law.

In the event that the judge of the probate court determines that such petition was not valid, he shall cause to be published in explicit detail the reasons why such petition is not valid; provided, however, that in any proceeding in which the validity of the petition is at issue, the tribunal considering such issue shall not be limited by the reasons assigned. Such publication shall be in the official organ of the county in the week immediately following the date on which such petition is declared to be not valid.

(c) The power granted to counties in subparagraphs (a) and (b) above shall not be construed to extend to the following matters or any other matters which the general assembly by general law has preempted or may hereafter preempt; but such matters shall be the subject of general law or the subject of local acts of the general assembly to the extent that the enactment of such local acts is otherwise permitted under this constitution:

(1) Action affecting any elective county office, the salaries thereof, or the personnel thereof, except the personnel subject to the jurisdiction of the county governing authority.

(2) Action affecting the composition, form, procedure for election or appointment, compensation and expenses and allowances in the nature of compensation, of the county governing authority.

(3) Action defining any criminal offense or providing for criminal punishment.

(4) Action adopting any form of taxation beyond that authorized by law or by this constitution.

(5) Action expending the power of regulation over any business activity regulated by the public service commission beyond that authorized by local or general law or by this constitution.

(6) Action affecting the exercise of the power of eminent domain.

(7) Action affecting any court or the personnel thereof.

(8) Action affecting any public school system.

(d) The power granted in subparagraphs (a) and (b) of this paragraph shall not include the power to take any action affecting the private or civil law governing private or civil relationships, except as is incident to the exercise of an independent governmental power.

(e) Nothing in subparagraph (a), (b), (c) or (d) shall affect the provisions of subparagraph (f) of this paragraph [§ 1-1-2 of this chapter]. (1983 Ga. Constitution, Article 9, § 2, ¶ 1).

**§ 1-2. SALARY OF COUNTY EMPLOYEES; HOW FIXED.**

The governing authority of each county is authorized to fix the salary, compensation and expenses of those employed by such governing authority and to establish and maintain retirement or pension systems, insurance, workers' compensation and hospitalization benefits for said employees. (1983 Ga. Constitution, Article 9, § 2, ¶ 1(f)).

**§ 1-3. FILING AND PUBLICATION OF AMENDMENT OR REVISION OF LOCAL ACT.**

No amendment or revision of any local act made pursuant to subparagraph (b) of this section [§ 1-1-1(b)] shall become effective until a copy of such amendment or revision, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which such notice was published to the effect that said notice has been published as provided in said subparagraph, has been filed with the secretary of state. The secretary of state shall provide for the publication and distribution of all such amendments and revisions at least annually. (1983 Ga. Constitution, Article 9, § 2, ¶ 1(g)).

#### **§ 1-4. SUPPLEMENTARY POWERS.**

(a) In addition to and supplementary of all powers possessed by or conferred upon any county, municipality or any combination thereof, any county, municipality or any combination thereof may exercise the following powers and provide the following services:

- (1) Police and fire protection.
- (2) Garbage and solid waste collection and disposal.
- (3) Public health facilities and services, including hospitals, ambulance and emergency rescue services, and animal control.
- (4) Street and road construction and maintenance, including curbs, sidewalks, streetlights, and devices to control the flow of traffic on streets and roads constructed by counties and municipalities, or any combination thereof.
- (5) Parks, recreational areas, programs and facilities.
- (6) Storm water and sewage collection and disposal systems.
- (7) Development, storage, treatment, purification and distribution of water.
- (8) Public housing.
- (9) Public transportation.
- (10) Libraries, archives, and arts and sciences programs and facilities.
- (11) Terminal and dock facilities and parking facilities.
- (12) Codes, including building, housing, plumbing and electrical codes.
- (13) Air quality control.
- (14) The power to maintain and modify heretofore existing retirement or pension systems, including such systems heretofore created by general laws of local application by population classification, and to continue in effect or modify other benefits heretofore provided as a part of or in addition to such retirement or pension systems and the power to create and maintain retirement or pension systems for any elected or appointed public officers and employees whose compensation is paid in whole or in part from county or municipal funds and for the beneficiaries of such officers and employees.

(b) Unless otherwise provided by law:

- (1) No county may exercise any of the powers listed in subsection (a) of this section or provide any

service listed therein inside the boundaries of any municipality or any other county except by contract with the municipality or county affected; and

(2) No municipality may exercise any of the powers listed in subsection (a) of this section or provide any service listed therein outside its own boundaries except by contract with the county or municipality affected.

(c) Nothing contained within this section shall operate to prohibit the general assembly from enacting general laws relative to the subject matters listed in subsection (a) of this section or to prohibit the general assembly by general law from regulating, restricting or limiting the exercise of the powers listed therein; but it may not withdraw any such powers.

(d) Except as otherwise provided in subsection (b) of this section, the general assembly shall act upon the subject matters listed in subsection (a) of this section only by general law. (1983 Ga. Constitution, Article 9, § 2, ¶ 3).

**§ 1-5. PLANNING AND ZONING.**

The governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning. This authorization shall not prohibit the general assembly from enacting general laws establishing procedures for the exercise of such power. (1983 Ga. Constitution, Article 9, § 2, ¶ 4).

**§ 1-6. EMINENT DOMAIN.**

The governing authority of each county and of each municipality may exercise the power of eminent domain for any public purpose. (1983 Ga. Constitution, Article 9, § 2, ¶ 5).

## § 1-7. SPECIAL DISTRICTS.

As hereinafter provided in this section, special districts may be created for the provision of local government services within such districts; and fees, assessments and taxes may be levied and collected within such districts to pay, wholly or partially, the cost of providing such services therein and to construct and maintain facilities therefor. Such special districts may be created, and fees, assessments or taxes may be levied and collected therein by any one or more of the following methods:

(a) By general law which directly creates the districts.

(b) By general law which requires the creation of districts under conditions specified by such general law.

(c) By municipal or county ordinance or resolution, except that no such ordinance or resolution may supersede a law enacted by the general assembly pursuant to subsection (a) or (b) of this section. (1983 Ga. Constitution, Article 9, § 2, ¶ 6)

## **§ 1-8. COMMUNITY REDEVELOPMENT.**

(a) The general assembly may authorize any county, municipality or housing authority to undertake and carry out community redevelopment, which may include the sale or other disposition of property acquired by eminent domain to private enterprise for private uses.

(b) In addition to the authority granted by subsection (a) of this section, the general assembly is authorized to grant to counties or municipalities for redevelopment purposes and in connection with redevelopment programs, as such purposes and programs are defined by general law, the power to issue tax allocation bonds, as defined by such law, and the power to incur other obligations, without either such bonds or obligations constituting debt within the meaning of section V of this article (see article I-A of this chapter], and the power to enter into contracts for any period not exceeding 30 years with private persons, firms, corporations, and business entities. Notwithstanding the grant of these powers pursuant to general law, no county or municipality may exercise these powers unless so authorized by local law and unless such powers are exercised in conformity with those terms and conditions for such exercise as established by that local law. The provisions of any such local law shall conform to those requirements established by general law regarding such powers. No such local law, or any amendment thereto, shall become effective unless approved in a referendum by a majority of the qualified voters of the county or municipality directly affected by that local law. (1983 Ga. Constitution, Article 9, § 2, ¶ 7).

**§ 1-9. LIMITATION ON THE TAXING POWER AND CONTRIBUTIONS OF COUNTIES, MUNICIPALITIES AND POLITICAL SUBDIVISIONS.**

The general assembly shall not authorize any county, municipality or other political subdivision of this state, through taxation, contribution or otherwise, to appropriate money for or to lend its credit to any person or to any nonpublic corporation or association except for purely charitable purposes. (1983 Ga. Constitution, Article 9, § 2, ¶ 8).

**§ 1-10. IMMUNITY OF COUNTIES, MUNICIPALITIES AND SCHOOL DISTRICTS.**

The general assembly may waive the immunity of counties, municipalities and school districts by law. (1983 Ga. Constitution, Article 9, § 2, ¶ 9).

## **§ 1-11. POWER OF TAXATION.**

(a) Except as otherwise provided in this section, the governing authority of any county, municipality or combination thereof may exercise the power of taxation as authorized by this constitution or by general law.

(b) In the absence of a general law:

(1) County governing authorities may be authorized by local law to levy and collect business and occupational license taxes and license fees only in the unincorporated areas of the counties. The general assembly may provide that the revenues raised by such tax or fee be spent for the provision of services only in the unincorporated areas of the county.

(c) The general assembly may provide by law for the taxation of insurance companies on the basis of gross direct premiums received from insurance policies within the unincorporated areas of counties. The tax authorized herein may be imposed by the state or by counties or by the state for county purposes as may be provided by law. The general assembly may further provide by law for the reduction, only upon taxable property within the unincorporated areas of counties, of the ad valorem tax millage rate for county or county school district purposes or for the reduction of such ad valorem tax millage rate for both such purposes in connection with imposing or authorizing the imposition of the tax authorized herein or in connection with providing for the distribution of the proceeds derived from the tax authorized herein. (1983 Ga. Constitution, Article 9, § 4, ¶ 1).

**§ 1-12. POWER OF EXPENDITURE.**

The governing authority of any county, municipality or combination thereof may expend public funds to perform any public service or public function as authorized by this constitution or by law or to perform any other service or function as authorized by this constitution or by general law. (1983 Ga. Constitution, Article 9, § 4, ¶ 2).

**§ 1-13 PURPOSES OF TAXATION; ALLOCATION OF TAXES.**

No levy need state the particular purposes for which the same was made nor shall any taxes collected be allocated for any particular purpose, unless otherwise provided by this constitution or by law. (1983 Ga. Constitution, Article 9, § 4, ¶ 3).

## **§ 1-14. INTERGOVERNMENTAL CONTRACTS.**

(a) The state, or any institution, department or other agency thereof, and any county, municipality, school district or other political subdivision of the state may contract for any period not exceeding 50 years with each other or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment; but such contracts must deal with activities, services or facilities which the contracting parties are authorized by law to undertake or provide.

(b) Subject to such limitations as may be provided by general law, any county, municipality or political subdivision thereof may, in connection with any contracts authorized in this section, convey any existing facilities or equipment to the state or to any public agency, public corporation or public authority.

(c) Any county, municipality or any combination thereof may contract with any public agency, public corporation or public authority for the care, maintenance and hospitalization of its indigent sick and may as a part of such contract agree to pay for the cost of acquisition, construction, modernization or repairs of necessary land, buildings and facilities by such public agency, public corporation or public authority and provide for the payment of such services and the cost to such public agency, public corporation or public authority of acquisition, construction, modernization or repair of land, buildings and facilities from revenues realized by such county, municipality or any combination thereof from any taxes authorized by this constitution or revenues derived from any other source. (1983 Ga. Constitution, Article 9, § 3, ¶ 1).

**§ 1-15. ELECTION;TERM; COMPENSATION.**

(a) The clerk of the superior court, judge of the probate court, sheriff, tax receiver, tax collector, and tax commissioner, where such office has replaced the tax receiver and tax collector, shall be elected by the qualified voters of their respective counties for terms of four years and shall have such qualifications, powers and duties as provided by general law.

(b) County officers listed in subsection (a) of this section may be on a fee basis, salary basis, or fee basis supplemented by salary, in such manner as may be directed by law. Minimum compensation for said county officers may be established by the general assembly by general law. Such minimum compensation may be supplemented by local law or, if such authority is delegated by local law, by action of the county governing authority.

(c) The general assembly may consolidate the offices of tax receiver and tax collector into the office of tax commissioner. (1983 Ga. Constitution, Article 9, § 1, ¶ 3).

**§ 1-16 CIVIL SERVICE SYSTEMS.**

The general assembly may by general law authorize the establishment by county governing authorities of civil service systems covering county employees or covering county employees and employees of the elected county officers. (1983 Ga. Constitution, Article 9, § 1, ¶ 4).

## § 1-18. BRIBERY.

(a) A person commits bribery when:

(1) He or she gives or offers to give to any person acting for or on behalf of the state or any political subdivision thereof, or of any agency of either, any benefit, reward or consideration to which he or she is not entitled with the purpose of influencing him or her in the performance of any act related to the functions of his or her office or employment; or

(2) A public official, elected or appointed, or an employee of this state or any agency, authority, or entity of the state, or any county or municipality or any agency, authority, or entity thereof, directly or indirectly solicits, receives, accepts, or agrees to receive a thing of value by inducing the reasonable belief that the giving of the thing will influence his or her performance or failure to perform any official action. A thing of value shall not include:

- a. Food or beverage consumed at a single meal or event;
- b. Legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's nonpublic business, employment, trade, or profession;
- c. An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
- d. Food, beverages, and registration at group events to which all members of an agency, as defined in paragraph (1) subsection (a) of Code Section 21-5-30.2, are invited. An agency shall include the Georgia House of Representatives, the Georgia Senate, committees and subcommittees of such bodies, and the governing body of each political subdivision of this state;
- e. Actual and reasonable expenses for food, beverages, travel lodging, and registration for a meeting which are provided to permit participation or speaking at the meeting;
- f. A commercially reasonable loan made in the ordinary course of business;
- g. Any gift with value less than \$100.00;
- h. Promotional items generally distributed to the general public or to public officers;
- i. A gift from a member of the public officer's immediate family; or
- j. Food, beverage, or expenses afforded public officers, members of their immediate families, or others that are associated with normal and customary business or social functions or activities; provided, however, that receiving, accepting, or agreeing to receive anything not enumerated in subparagraphs (a) through (j) of this paragraph shall not create the presumption that the offense of bribery has been committed.

(b) A person convicted of the offense of bribery shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than 20 years, or both. (O.C.G.A. § 16-10-2.)

**§ 1-19. VIOLATION OF OATH BY PUBLIC OFFICER.**

Any officer who willfully and intentionally violates the terms of his oath as prescribed by law shall, upon conviction thereof be punished by imprisonment for not less than one nor more than five years. (O.C.G.A. § 16-10-1.)

**§ 1-20. RECEIVING FUNDS FOR ENFORCEMENT OF PENAL LAWS OR REGULATIONS.**

(a) Except as otherwise provided in this Code section, any officer or employee of the state or any agency thereof who receives from any private person, firm or corporation funds or other things of value to be used in the enforcement of the penal laws or regulations of the state is guilty of a misdemeanor.

(b) Except as otherwise provided in this Code section, any officer or employee of a political subdivision who receives from any private person, firm, or corporation funds or other things of value to be used in the enforcement of the penal laws or regulations of the political subdivision of which he is an officer or employee is guilty of a misdemeanor.

(c) Nothing contained within this Code section shall be deemed nor construed so as to prohibit any law enforcement officer of the state or any political subdivision thereof:

(1) From being employed by private persons, firms or corporations during his off-duty hours when such employment is approved in writing by the chief or head, or his duly designated agent, of the law enforcement agency by which such law enforcement officer is employed; or

(2) From soliciting for or accepting contributions of equipment or of funds to be used solely for the purchase of equipment to be used in the enforcement of the penal laws or regulations of this state or any political subdivision thereof when such acceptance is approved in writing by the chief or head, or his duly designated agent, of the law enforcement agency by which such law enforcement officer is employed.

(O.C.G.A. § 16-10-3.)

**§ 1-21. IMPROPERLY INFLUENCING LEGISLATIVE ACTION.**

Any officer or employee of the state or any agency thereof who asks for or receives anything of value to which he is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the General Assembly, or procure or attempt to procure the approval or disapproval of the same by the Governor shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years. (O.C.G.A. § 16-10-4(a).)

**§ 1-22. OFFICER OR EMPLOYEE IMPROPERLY INFLUENCING ANOTHER OFFICER OR EMPLOYEE.**

Any officer or employee of a political subdivision who asks for or receives anything of value to which he is not entitled in return for an agreement to procure the passage or defeat the passage of any legislation by the legislative body of the political subdivision of which he is an officer or employee shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years. (O.C.G.A. § 16-10-4(b).)

## § 1-23 OFFICER OR EMPLOYEE SELLING TO POLITICAL SUBDIVISION.

(a) Any employee, appointive officer or elective officer of a political subdivision (hereafter employing political subdivision), or agency thereof who, for himself or in behalf of any business entity, sells any real or personal property to:

- (1) The employing political subdivision;
- (2) An agency of the employing political subdivision;
- (3) A political subdivision for which local taxes for education are levied by the employing political subdivision;
- (4) A political subdivision which levies local taxes for education for the employing political subdivision; shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

(b) Subsection (a) of this Code section shall not apply to:

- (1) Sales of personal property of less than \$200.00 per calendar quarter;
- (2) Sales of personal property made pursuant to sealed competitive bids made by the employee, appointive officer or elective officer, either for himself or herself or on behalf of any business entity; or
- (3) Sales of real property in which a disclosure has been made:
  - a. To the judge of the probate court of the county in which the purchasing political subdivision is wholly included, or if not wholly included in any one county, to the judge of the probate court of any county in which the purchasing political subdivision is partially included and which shall have been designated by the purchasing political subdivision to receive such disclosures, provided that if the sale is made by the judge of the probate court, a copy of such disclosure shall also be filed with any superior court judge of the superior court of the county;
  - b. At least 15 days prior to the date the contract or agreement for such sale will become final and binding on the parties thereto;
  - c. Which shows that an employee, appointive officer or elective officer of an employing political subdivision or agency thereof has a personal interest in such sale, which interest includes without being limited to any commission, fee, profit or similar benefit and which gives the name of such person, his or her position in the political subdivision or agency, the purchase price, and the location of the property.

## **§ 1-24. CONSPIRACY TO DEFRAUD STATE OR POLITICAL SUBDIVISION.**

(a) A person commits the offense of conspiracy to defraud the state when he conspires or agrees with another to commit theft of any property which belongs to the state or to any agency thereof or which is under the control or possession of a state officer or employee in his official capacity. The crime shall be complete when the conspiracy or agreement is effected and an overt act in furtherance thereof has been committed, regardless of whether the theft is consummated. A person convicted of conspiracy to defraud the state shall be punished by imprisonment for not less than one nor more than five years.

(b) A person commits the offense of conspiracy to defraud a political subdivision when he conspires or agrees with another to commit theft of any property which belongs to a political subdivision or to any agency thereof or which is under the control or possession of an officer or employee of a political subdivision in his official capacity. The crime shall be complete when the conspiracy or agreement is effected and an overt act in furtherance thereof has been committed, regardless of whether the theft is consummated. A person convicted of the offense of conspiracy to defraud a political subdivision shall be punished by imprisonment for not less than one nor more than five years. (O.C.G.A. § 16-10-21.)

## **§ 1-25. CONSPIRACY IN RESTRAINT OF FREE AND OPEN COMPETITION.**

(a) A person who enters into a contract, combination, or conspiracy in restraint of trade or in restraint of free and open competition in any transaction with the state or any agency thereof, whether the transaction is for goods, materials, or services, shall, upon conviction thereof, be punished by imprisonment for not less than one year nor more than five years. The crime of conspiracy in restraint of free and open competition in transactions with the state shall be complete when the contract, combination, or conspiracy is effected and an overt act in furtherance thereof has been committed.

(b) A person who enters into a contract, combination, or conspiracy in restraint of trade or in restraint of free and open competition in any transaction with a political subdivision or any agency thereof, whether the transaction is for goods, materials, or services, shall, upon conviction thereof, be punished by imprisonment for not less than one not more than five years. The crime of conspiracy in restraint of free and open competition in transactions with political subdivisions shall be complete when the contract, combination, or conspiracy is effected and an overt act in furtherance thereof has been committed.

(c) A person who is convicted of or who pleads guilty to a violation of subsection (a) or (b) of this Code section as a result of any contract, combination, or conspiracy in restraint of trade or in restraint of free and open competition in any transaction which was entered into or carried out, in whole or in part on or after July 1, 1985, shall be ineligible to submit a bid on, enter into, or participate in any contract with any department, agency, branch, board, or authority of the state or any county, municipality, board of education, or other political subdivision thereof for a period of five years following the date of the conviction or entry of the plea. (O.C.G.A. § 16-10-22.)

## **§ 1-26 MALPRACTICE IN OFFICE.**

Any elected county officer, including the judge of the probate court, clerk of the superior court, tax receiver, tax collector, and tax commissioner, where the office has replaced the tax receiver and tax collector, any member of any board of commissioners, or any mayor or member of any municipal governing authority, presently or formerly holding such office, who shall be charged with malpractice, misfeasance, or malfeasance in office; or with using oppression or tyrannical partiality in the administration or under the color of his office; or, when required by law, with willfully refusing or failing to preside in or hold his court at the regular terms thereof, or when it is his duty under the law to do so; or with using any other deliberate or illegal means to delay or avoid the due course or proceeding of law; or with any other illegal conduct in the performance or administration of the office which is unbecoming the character of a public officer; or who shall willfully and knowingly demand more cost than he is entitled to by law in the administration and under color of his office may be indicted. The indictment shall specially set forth the merits of the complaint against the accused public officer. A copy of the indictment shall be served on the accused public officer at least 15 days before it is presented to the grand jury. The accused shall have the right to appear before the grand jury to make such sworn statement as he shall desire at the conclusion to the presentation of the state's evidence. The accused shall not be subject to examination, either direct or cross, and shall not have the right individually or through his counsel to examine the state's witnesses. The accused and his counsel shall have the right to be present during the presentation of all evidence and alleged statements of the accused on the proposed indictment, presentment, or accusation, after which he and his counsel shall retire instantaneously from the grand jury room to permit the grand jury to deliberate upon the indictment. If a true bill is returned by the grand jury, the indictment shall, as in other cases, be published in open court and shall be placed on the superior court criminal docket of cases to be tried by a petit jury. If the accused is convicted, he shall be punished by a fine or by imprisonment, or both, at the discretion of the court; and if still in office, he shall be removed from office. (O.C.G.A. § 45-11-4.)

## **§ 1-27 AUGUSTA-RICHMOND COUNTY COMMISSION; CREATION; POWERS.**

The governing authority of Richmond County shall be a board of commissioners of said county. Said board is designated as the Augusta-Richmond County Commission, referred to in this Act as the Commission. The chief executive officer of said board is designated and referred to in this Act as the Mayor and the other members of said board are designated and referred to in this Act as commissioners-councilpersons. The board shall consist of a Mayor and ten commissioners-councilpersons. The Commission shall exercise and be subject to all of the rights, powers, duties, and obligations imposed by this Act or previously applicable to the governing authorities of the City of Augusta and Richmond County, and the City of Hephzibah if consolidated with the government of Richmond County as authorized by this Act, and to any general laws, local law, or constitutional provisions applicable or effective within the former City of Augusta, the former City of Hephzibah if consolidated with the government of Richmond County as authorized by this Act, and Richmond County. The Commission shall constitute a county as well as a municipality for the purpose of the application of the general laws and Constitution of this state. The consolidated government shall have a municipal form of government. The Commission may exercise the powers vested in the governing authority of the municipality or municipalities and municipalities generally as well as the powers vested in the former governing authority of the county and counties generally. Said county-wide government shall be a new political entity, a body politic and corporate, and a political subdivision of the state to be known as 'Augusta, Georgia,' at times in this Act called the 'consolidated government' or 'Augusta-Richmond County,' having all the governmental and corporate powers, duties, and functions hereto fore held by and vested in the City of Augusta and Richmond County, and also the powers, duties, and functions provided in this charter. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

**§ 1-28. COMMISSION DISTRICTS.**

(a) For the purpose of electing members of the Commission, Richmond County is divided into ten Commission districts as follows:

Commission District: I

RICHMOND COUNTY

VTD: 0001 1

VTD: 0002 1A

VTD: 0003 2 (Part)

Tract: 0007.

Block(s): 112, 113, 114, 115, 117, 118, 125, 126, 128, 129, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 319, 320, 323, 324, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422

Tract: 0009.

Block(s): 101, 102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 404, 405, 406, 407

Tract: 0015.

Block(s): 101A, 103, 307, 308, 309

Tract: 0106.

Block(s): 902A, 902B, 902C, 906A, 906B, 907, 915A, 915B, 917, 918, 919, 920A

VTD: 0004 2A

VTD: 0012 5

VTD: 0013 5A

VTD: 0019 7 (Part)

Tract: 0001.

Block(s): 209, 210, 211, 302, 303, 304, 305, 409, 410, 413

VTD: 0020 7A

VTD: 0021 8 (Part)

Tract: 0001.

Block(s): 415, 501, 502, 505, 506, 507, 508, 509, 511, 512, 516A, 516B

VTD: 0022 8A (Part)

Tract: 0016.

Block(s): 103, 104, 105, 106, 107, 108, 109, 110, 219A, 233

VTD: 0026 85-1

Commission District: 2

RICHMOND COUNTY

VTD: 0003 2 (Part)

Tract: 0009.

Block(s): 402, 403, 408, 409, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 601, 605

VTD: 0005 3 (Part)

Tract: 0009.

Block(s): 602, 606, 607, 608, 609, 610, 612, 613

Tract: 0010.

Block(s): 122, 201, 202, 203, 204, 205, 206, 207, 208, 209, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 419, 420, 422, 423, 430, 431, 432, 433, 434, 435, 440, 441, 444

VTD: 0008 4

VTD: 0009 4A

VTD: 0010 4B

VTD: 0011 4C

VTD: 0014 5B

VTD: 0027 85-2

VTD: 0028 85-3

VTD: 0039 88-1

VTD: 0042 88-4

VTD: 0044 88-6

Commission District: 3

RICHMOND COUNTY

VTD: 0005 3 (Part)

Tract: 0010.

Block(s): 406, 415, 416, 417, 418, 428, 429, 436, 437, 438, 439, 442

VTD: 0015 6 (Part)

Tract: 0011.

Block(s): 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 201, 202, 203, 204, 205, 206

Tract: 0012.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 512, 513

VTD: 0017 6B

VTD: 0019 7 (Part)

Tract: 0001.

Block(s): 201, 202, 203, 204, 205, 206, 207, 208, 212, 213, 301, 411, 412

Tract: 0002.

Block(s): 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311

Tract: 0011.

Block(s): 101, 102, 103, 104, 105, 209, 210, 211, 212, 213, 214, 215, 216, 217, 301, 302, 303, 310, 311, 312, 315

VTD: 0021 8 (Part)

Tract: 0001.

Block(s): 414

Tract: 0011.

Block(s): 304, 305, 306, 307, 308, 309, 313, 314, 316, 317, 318, 319, 320, 321

Tract: 0012.

Block(s): 605, 606, 607, 608

VTD: 0022 8A (Part)

Tract: 0011.

Block(s): 207, 208

Tract: 0012.

Block(s): 601, 602, 603, 604, 609, 610, 611, 612, 613, 614, 615, 901B

Tract: 0016.

Block(s): 101, 102, 111, 112, 113, 114, 115, 116, 117, 118, 119, 202A, 205, 206, 207A, 208A, 209, 212, 213A, 215, 216, 217, 218, 226A, 227A

VTD: 0046 89-1

VTD: 0051 89-6

VTD: 0055 89-10

VTD: 0058 90-3

VTD: 0060 90-5 (Part)

Tract: 0016.

Block(s): 301, 317, 318, 324, 327, 501, 502, 503B, 504, 513, 515, 516, 517, 901B, 901C

Tract: 0101.05

Block(s): 525, 526, 527, 528, 529, 530, 531, 532

Tract: 0102.01

Block(s): 402, 404, 418, 419, 420, 421, 422, 430, 431

Tract: 0102.03

Block(s): 401, 402, 403

Tract: 0102.04

Block(s): 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 901, 902, 903, 904, 905

Commission District: 4

RICHMOND COUNTY

VTD: 0031 86-3 (Part)

Tract: 0107.05

Block(s): 101, 102, 103, 105, 106, 107, 108, 109

VTD: 0032 86-4 (Part)

Tract: 0107.03

Block(s): 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153

Tract: 0107.04

Block(s): 101, 103, 148, 149, 150, 151, 152, 153, 154

Tract: 0108.

Block(s): 901F

VTD: 0049 89-4

VTD: 0053 89-8

Commission District: 5

RICHMOND COUNTY

VTD: 0006 3A

VTD: 0007 3B

VTD: 0015 6 (Part)

Tract: 0012.

Block(s): 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 501, 506, 507, 508, 509, 510, 511, 901A

Tract: 0013.

Block(s): 207, 208, 210, 211, 212, 213, 214, 215, 216, 225A

VTD: 0016 6A

VTD: 0018 6C

VTD: 0021 8 (Part)

Tract: 0012.

Block(s): 402, 616

VTD: 0023 8B

VTD: 0024 8C

VTD: 0040 88-2

VTD: 0041 88-3

VTD: 0043 88-5

VTD: 0045 88-7

VTD: 0047 89-2

VTD: 0052 89-7

Commission District: 6

RICHMOND COUNTY

VTD: 0030 86-2 (Part)

Tract: 0105.10

Block(s): 401

VTD: 0031 86-3 (Part)

Tract: 0107.05

Block(s): 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 244, 245, 246, 247

VTD: 0032 86-4 (Part)

Tract: 0107.04

Block(s): 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 155, 156, 157, 158, 159, 160, 161, 162, 163

VTD: 0035 86-7

VTD: 0036 86-8 (Part)

Tract: 0107.06

Block(s): 106, 107, 108, 109, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306

VTD: 0050 89-5

VTD: 0063 FG1

VTD: 0064 FG2

VTD: 0066 FG4

VTD: 0067 FG5

VTD: 0068 FG6

Commission District: 7

RICHMOND COUNTY

VTD: 0037 87-1

VTD: 0038 87-2

VTD: 0056 90-1

VTD: 0057 90-2

VTD: 0059 90-4

VTD: 0060 90-5 (Part)

Tract: 0102.01

Block(s): 401, 403, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 426

Commission District: 8

RICHMOND COUNTY

VTD: 0029 86-1

VTD: 0030 86-2 (Part)

Tract: 0105.10

Block(s): 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439

Tract: 0105.11

Block(s): 202, 203, 204, 214, 215, 216, 217, 218, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 321, 322, 323, 324, 325, 326, 414

VTD: 0031 86-3 (Part)

Tract: 0107.05

Block(s): 239, 240, 241, 242, 243

VTD: 0033 86-5

VTD: 0034 86-6

VTD: 0036 86-8(Part)

Tract: 0106.

Block(s): 929A, 929B, 930A, 930B, 931, 932, 934, 936B, 941, 942, 943, 945, 946, 947, 948B, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 973

Tract: 0107.06

Block(s): 101, 102, 103, 104, 105, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 201, 202

Tract: 0109.02

Block(s): 102

VTD: 0048 89-3

Commission District: 9

A combination of Commission Districts 1, 2, 4, and 5 as each is described in detail above by Tract, Block, and VTD.

Commission District: 10

A combination of Commission Districts 3, 6, 7, and 8 as each is described in detail above by Tract, Block, and VTD.

(b) For purposes of this subsection:

(1) The terms *Tract*, *Block*, and *VTD* shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 1990 for the State of Georgia;

(2) The term *Precinct* is synonymous with the term voting precinct and means a geographical area designated by Article 7 of Chapter 2 or 3 of Title 21 of the O.C.G.A., within which all electors vote at one polling place;

(3) Precinct names and designations following VTD designations are included for convenience only; and in the event the description of any Commission district contains a conflict between the geographical boundaries of any VTD and the boundaries of the following named precinct, the geographical boundary of the VTD as shown on the census maps for the United States decennial census of 1990 for the State of Georgia shall control;

(4) Any part of Richmond County which is not included in any Commission district described in this subsection shall be included within that Commission district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia; and

(5) Any part of Richmond County which is described in this subsection as being included in a particular Commission district shall nevertheless not be included within such Commission district if such part is not contiguous to such Commission district. Such noncontiguous part shall instead be included within that Commission district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia.

(c) All members of the Commission shall be full voting members of the Commission. The Mayor shall be a member of the Commission. Except as otherwise provided in this Act, the Mayor shall have the right to vote only to make or break a tie vote on any matter.

(d) No person shall be eligible to serve as a Commissioner unless he or she:

(1) has been a resident of the Commission district from which elected for a period of one year immediately prior to the date of the election;

(2) continues to reside within the Commission district from which elected during his or her term of office;

(3) is a registered and qualified elector of Richmond County; and

(4) meets the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution.

No person who has served two consecutive full four-year terms of office as Commissioner shall again be eligible to hold office as Commissioner until after the expiration of four years from the conclusion of that person's last term of office as Commissioner.

(e) No person shall be eligible to serve as Mayor unless he or she:

(1) has been a resident of the county for a period of one year immediately prior to the date of the election;

(2) continues to reside within the county during his or her term of office;

(3) is a registered and qualified elector of Richmond County; and

(4) meets the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution.

No person who has served two consecutive full four-year terms of office as Mayor shall again be eligible to hold office as Mayor until after the expiration of four years from the conclusion of that person's last term of office as Mayor.

(f) The Mayor shall be paid an annual salary of \$65,000.00, the Mayor Pro Tempore shall be paid an annual salary of \$20,000.00, and each of the other Commission members shall be paid an annual salary of \$12,000.00. Future changes in the salary and expenses of such persons shall be effected in accordance with the provisions of Code Section 36-35-4 of the O.C.G.A. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

## § 1-29. ELECTION OF COMMISSION.

(a) Those members of the board of commissioners of Richmond County, the mayor and those members of the city council of the City of Augusta, and the members of the board of commissioners of the City of Hephzibah if such city is consolidated with Richmond County as authorized by this Act, who are serving as such on the date the implementation of this Act is permissible under the federal Voting Rights Act of 1965, as amended, shall continue to serve as such members and officials until December 31, 1995. On and after the date all requirements for the implementation of this Act have been met and the implementation of this Act is permissible under the federal Voting Rights Act of 1965, as amended, no further elections shall be conducted to elect members of the board of commissioners of Richmond County, and the mayor and members of the city council of the City of Augusta, and the board of commissioners of the City of Hephzibah if such city is consolidated with Richmond County as authorized by this Act, and all elections for the members of the Commission shall be conducted pursuant to this Act. Such members of the board of commissioners of Richmond County and the mayor and members of the city council of the City of Augusta, and the board of commissioners of the City of Hephzibah if such city is consolidated with Richmond County as authorized by this Act, shall continue to receive the compensation to which they were entitled pursuant to local law or Code Section 36-35-4 of the O.C.G.A. until December 31, 1995.

(b) One initial member of the Commission shall be elected to represent each Commission district in a special nonpartisan election, without a special primary, to be held on the Tuesday after the first Monday in November, 1990. Members elected in such special election shall take office on the first day of January immediately following their election. The member elected in each odd-numbered Commission district shall have an initial term of office of two years and until a successor is elected and qualified and the member elected in each even-numbered Commission district shall have an initial term of office of four years and until a successor is elected and qualified. Candidates in such special election shall not be listed on the ballot according to political party affiliation; and such special election shall be conducted on a nonpartisan basis, without a special primary, and by plurality vote as provided in this section. Thereafter, successors to members of the Commission shall be elected at a general election to be held on the Tuesday following the first Monday in November immediately preceding the expiration of their respective terms of office, shall be nominated and elected by plurality vote as provided in this section, shall take office on the first day of January immediately following the date of their election, and shall have terms of office of four years and until their respective successors are elected and qualified. Each member of the Commission shall be elected by the electors residing within such member's Commission district.

(1) The Mayor Pro Tempore shall be a member of the Commission.

(c) The initial Mayor shall be elected in a special nonpartisan election, without a special primary, to be held on the Tuesday after the first Monday in November, 1995. Candidates in such special election shall not be listed on the ballot according to political party affiliation; and such special election shall be conducted on a nonpartisan basis, without a special primary, and by plurality vote as provided in this section. The person elected as Mayor at such special election shall take office on January 1, 1996, for an initial term of office expiring on December 31, 1998, and until a successor is elected and qualified. Thereafter, each successor to the office of Mayor shall be elected at a general election to be held on the Tuesday following the first Monday in November immediately preceding the expiration of a term of office, shall be nominated and elected by plurality vote as provided in this section, shall take office on the first day of January immediately following the date of the election, and shall have a term of office of four years and until a successor is elected and qualified. The Mayor shall be elected on a county-wide basis by the electors of the entire county.

(d) Except as otherwise provided in this section, all primaries and elections for the Mayor and members of the Commission shall be in accordance with the provisions of Chapter 3 of Title 21 of the O.C.G.A., known as the Georgia Municipal Election Code, as now or hereafter amended. All primaries and elections for such offices shall be conducted on a nonpartisan basis and candidates in any such primary or election shall not be listed on the ballot according to party affiliation. Any person who is a registered voter of Richmond County shall be eligible to vote in any election under this section.

(1) As used in this paragraph, the term plurality means the receipt by one candidate alone of the highest number of votes cast in a primary or election among the candidates for the same office provided that such candidate receives at least 45 percent of the total number of votes cast in such primary or election for such office. If two or more candidates tie in receiving the highest number of votes or no candidate receives more than 45 percent of the total number of votes cast for the office sought, there is no plurality. If no candidate receives a plurality of the votes cast in any such primary or election, there shall be a run-off primary or a run-off election which shall be called and conducted in the manner provided in Code Section 21-3-407 of the O.C.G.A. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

**§ 1-30. POWERS OF MAYOR; MAYOR PRO-TEM; COMMITTEES.**

(a) The Mayor shall be the chief executive officer of Richmond County and the City of Augusta. The Mayor shall possess and exercise the following executive and administrative powers and duties:

(1) To preside at all meetings of the Commission;

(2) To serve as the official head of Richmond County and the City of Augusta for the service of process and for ceremonial purposes;

(3) To administer oaths and to take affidavits;

(4) To sign all written contracts entered into by the Commission on behalf of Richmond County and the City of Augusta and all other contracts and instruments executed by the county and city which by law are required to be in writing;

(5) To ensure that all laws, ordinances, and resolutions of Richmond County and the City of Augusta are faithfully executed; and

(6) To exercise such other powers and perform such other duties as may be required by ordinance or resolution of the Commission.

(b) The Mayor shall not be empowered to veto ordinances, resolutions, or other actions of the Commission.

(c) The members of the Commission shall elect a Mayor Pro Tempore at their first regular meeting in January, 1996, and at such meeting in each year thereafter. The Mayor Pro Tempore shall preside at Commission meetings in the absence of the Mayor and perform such other duties as may be entrusted to the office of the Mayor Pro Tempore by action of the Commission. The Mayor Pro Tempore shall continue to be a full voting member of the Commission when serving in the capacity of Mayor Pro Tempore. No person who has served two consecutive full one-year terms of office as Mayor Pro Tempore shall again be eligible to hold office as Mayor Pro Tempore until after the expiration of one year from the conclusion of that person's last term of office as Mayor Pro Tempore.

(d) At its first regular meeting in January of each even-numbered year, the Commission shall organize itself. The Mayor and the Mayor Pro Tempore shall recommend to the Commission the appointment of such committees as they deem appropriate and the proposed membership thereof. If the Mayor and the Mayor Pro Tempore disagree on proposed appointments, the Commission shall determine such appointments. All committees and the membership thereof shall be created, abolished, and appointed as directed by the Commission. The Mayor shall not have the right to vote on the appointment of any member to a committee. The Mayor shall not be a voting member of any committee established by the Commission and appointed by the Mayor Pro Tempore. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

## **§ 1-31. VACANCIES.**

(a) A vacancy which occurs in the office of the mayor or in the membership of the commission by death, resignation, removal from the commission district, or for any other reason shall be filled by the remaining members of the commission appointing a qualified person to serve for the unexpired term, unless the unexpired term exceeds 12 calendar months, in which event, the commission shall appoint a qualified person to serve until a successor is elected to serve for the unexpired term as provided in this subsection. When the unexpired term exceeds 12 calendar months, a special election shall be held in the county in the case of the mayor or in the commission district in which the vacancy occurred to elect a successor for the unexpired term. Any such special election shall be called, held, and conducted in accordance with the applicable provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the 'Georgia Election Code.

(b) No person shall fill a vacancy for an unexpired term by appointment of the Commission unless that person receives a majority of the votes of the full Commission.

(c) In the event the office of Mayor Pro Tempore becomes vacant for any reason, the Commission by a majority vote of its full membership shall elect from among its members a successor who shall serve as such until the first meeting in January immediately following the creation of such vacancy, at which time a successor shall be elected. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690, 1999 Ga. Laws, p. 4143)

**§ 1-32. QUORUM.**

Seven members of the Commission shall constitute a quorum for the transaction of ordinary business, and an affirmative vote of at least six members shall be required for the Commission to take action. Official action of the Commission shall be entered upon its minutes. Any member of the Commission shall have the right to request a roll-call vote. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

### **§ 1-33. BONDED INDEBTEDNESS.**

(a) The bonded indebtedness of the City of Augusta which is outstanding on January 1, 1996, shall become the debt and obligation of a special tax district which shall correspond to and be conterminous with the corporate limits of the City of Augusta as said corporate limits existed on December 31, 1995. The ad valorem taxes imposed by the City of Augusta prior to January 1, 1996, to retire such bonded indebtedness shall continue to be imposed by the Commission within the special tax district in the same manner and to the same extent that such ad valorem taxes were previously imposed by the City of Augusta in accordance with the terms of the obligations of such bonded indebtedness. The Commission, as the governing authority of the City of Augusta, shall be the successor to the previously existing governing authority of the City of Augusta for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.

(b) The bonded indebtedness of Richmond County outstanding on January 1, 1996, shall not be affected by this Act, and the Commission, as the governing authority of Richmond County, shall become the successor to the previously existing governing authority of Richmond County for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.

(c) The bonded indebtedness of the City of Hephzibah which is outstanding on January 1, 1996, shall become the debt and obligation of a special tax district which shall correspond to and be conterminous with the corporate limits of the City of Hephzibah as said corporate limits existed on December 31, 1995. The ad valorem taxes imposed by the City of Hephzibah prior to January 1, 1996, to retire such bonded indebtedness shall continue to be imposed by the Commission within the special tax district in the same manner and to the same extent that such ad valorem taxes were previously imposed by the City of Hephzibah in accordance with the terms of the obligations of such bonded indebtedness. The Commission, as the governing authority of the City of Hephzibah, shall be the successor to the previously existing governing authority of the City of Hephzibah for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders. The provisions of this subsection shall not become effective unless the Act providing for a reorganized government in Richmond County and providing for the repeal of the charter of the City of Hephzibah is approved in a referendum by a majority of the voters voting within the City of Hephzibah and this Act is approved in the referendum provided for in Section 18 of this Act [§ 1-1-44]. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

## § 1-34. SERVICE DISTRICTS.

(a) There is created an Urban Services District to be known as Urban Services District A which shall correspond to and be conterminous with the corporate limits of the City of Augusta as said corporate limits existed on December 31, 1995.

(1) Any public funds on deposit or invested in certificates of deposit in the name of the City of Augusta on December 31, 1995, shall accrue to Urban Services District A and shall be utilized exclusively for the benefit of citizens residing in Urban Services District A.

(2) If the repeal of the city charter of the City of Hephzibah is approved in a referendum by a majority of the voters voting within the City of Hephzibah and this Act is approved in the referendum provided for in Section 18 of this Act [§ 1-1-44], there is created an Urban Services District to be known as Urban Services District H which shall correspond to and be conterminous with the corporate limits of the City of Hephzibah as said corporate limits existed on December 31, 1995.

(3) Any public funds on deposit or invested in certificates of deposit in the name of the City of Hephzibah on December 31, 1995, shall accrue to Urban Services District H and shall be utilized exclusively for the benefit of citizens residing in Urban Services District H.

(b) There is created a Suburban Services District which shall correspond to and be conterminous with the area of Richmond County which was not within the corporate limits of the City of Augusta as said corporate limits existed on December 31, 1995, and, if the charter of Hephzibah is repealed as provided in Section 18 of this Act [§ 1-1-44], which was not within the corporate limits of the City of Hephzibah as said corporate limits existed on December 31, 1995.

(1) Any public funds on deposit or invested in certificates of deposit in the name of Richmond County on December 31, 1995, shall accrue to the Suburban Services District and shall be utilized exclusively for the benefit of citizens residing in the Suburban Services District and the Urban Services District or Districts.

(c) The Water and Sewage Sinking Fund, the Airport Sinking Fund, and the Airport Sinking Fund No. 2 shall accrue to the benefit of the citizens residing in the Urban Services District or Districts and the Suburban Services District. These sinking funds are to be retired as provided in the anticipated revenue certificates and are not considered bonded indebtedness of the City of Augusta.

(d) Urban Services District A, Urban Services District H (if created), and the Suburban Services District created by this section shall continue in existence until the Commission modifies or abolishes such districts by ordinance duly adopted by the Commission. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

## **§ 1-35. ORDINANCES, CONTINUATION.**

(a) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments or agencies thereof not inconsistent with the provisions of this Act shall continue to be effective as ordinances and resolutions of the Commission and as rules and regulations of the appropriate department or agency thereof until they are modified or repealed.

(b) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments and agencies of Richmond County which, by their terms or by their operation, were applicable prior to January 1, 1996, throughout the territorial limits of Richmond County shall continue to be effective throughout the territorial limits of Richmond County until such time as the Commission, by resolution or ordinance, modifies or repeals such ordinances, resolutions, or regulations.

(c) Existing ordinances and resolutions of the board of commissioners of Richmond County and existing rules and regulations of departments and agencies of Richmond County which, by their terms or by their operation, were applicable prior to January 1, 1996, only within the unincorporated area of Richmond County shall be effective only in the Suburban Services District described in subsection (b) of Section 8 of this Act [§ 1-1-34] until such time as the Commission, by resolution or ordinance, modifies or repeals such ordinances, resolutions, rules, or regulations.

(d) Existing ordinances and resolutions of the city, council of Augusta which are not inconsistent with the provisions of this Act shall continue to be effective as ordinances and resolutions of the Commission until they are modified or repealed. If the charter of the City of Hephzibah is repealed as provided in Section 18 of this Act [§ 1-1-44], existing ordinances and resolutions of the board of commissioners of the City of Hephzibah which are not inconsistent with the provisions of this Act shall continue to be effective as ordinances and resolutions of the Commission until they are modified or repealed.

(e) Existing ordinances and resolutions of the city council of Augusta and existing rules and regulations of departments and agencies of the City of Augusta shall be applicable only within the Urban Services District A described in Section 8 of this Act [§ 1-1-34] until such time as the Commission, by resolution or ordinance, modifies or repeals such ordinances, resolutions, rules, or regulations. If the charter of the City of Hephzibah is repealed as provided in Section 18 of this Act [§ 1-1-44], existing ordinances and resolutions of the board of commissioners of the City of Hephzibah and existing rules and regulations of departments and agencies of the City of Hephzibah shall be applicable only within the Urban Services District H described in Section 8 of this Act [§ 1-1-34] until such time as the Commission, by resolution or ordinance, modifies or repeals such ordinances, resolutions, rules, or regulations. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

**§ 1-36. BUDGET; TAXES; WATER RATES.**

(a) The budget and tax levy of the board of commissioners of Richmond County and the governing authority of any municipality consolidated with such county, adopted for the 1996 calendar year, shall serve as the budget and tax levy of the Commission for that calendar year.

(b) The tax assessments made by the board of tax assessors of Richmond County and any municipalities consolidated with such county as of January 1, 1996, shall constitute the basis for the assessment and collection of taxes of the Commission for 1996.

(c) Amendments to the budget for the 1996 calendar year provided by subsection (a) of this section may be made by resolution or ordinance duly adopted by the Commission during 1996.

(d) Any special services district existing in Richmond County or any municipality consolidated with such county prior to January 1, 1996, shall continue to exist until it is modified or abolished by the Commission.

(e) In assessing ad valorem taxes, the Commission shall assess within any Urban Services District such additional millage as the governing body shall determine, and which shall be imposed on account of governmental services available therein that are not furnished in the Suburban Services District. As the Commission shall from time to time expand these governmental services to areas within the Suburban Services District, such areas shall be included in such Urban Services District and taxed accordingly.

(f) For purposes of this section, governmental services shall include fire protection of a higher class, garbage pickup, governmental water and sewer services, and such other services as may be provided only in an Urban Services District.

(g) The Commission may further divide the Suburban Services District into special service districts wherever additional governmental service or services are furnished but not to the extent as in an Urban Services District. Property within said special service districts shall be assessed with such additional ad valorem taxes as the Commission may determine on account of said services.

(1) Property owners within an Urban Services District and the Suburban Services District shall not be obligated to pay any user fees for services they do not receive.

(h) It is the purpose of this section that property shall be subject to taxation in relation to services received.

(i) Without limiting any of the foregoing provisions of this section, on and after January 1, 1996, the residential, commercial, and industrial rates charged for water and sewerage services shall be the same within an Urban Services District as within the Suburban Services District. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

**§ 1-37. SPECIAL SERVICES TAX DISTRICTS.**

The Commission shall create special services tax districts and shall assess, levy, and collect ad valorem taxes and collect service charges and fees for the provision of district services within a special services district only in accordance with the kind, character, type, and degree of district services provided by the Commission within such special services tax district. The provisions of this section shall control ad valorem taxation and the collection of service charges and fees for the provision of district services within special services tax districts by the Commission. District services shall mean and include all of those governmental services enumerated in Article IX, Section II, Paragraph III of the Constitution. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

**§ 1-38. PENSION PLAN; EMPLOYEES.**

(a) All employees and former employees of Richmond County and the City of Augusta and, if the charter of the City of Hephzibah is repealed as provided in Section 18 of this Act [§ 1-1-44], the City of Hephzibah and of every agency, instrumentality, commission, or authority, thereof shall retain those pension rights which had accrued to them prior to January 1, 1996, under any pension plan adopted by law or by ordinance or resolution by the board of commissioners of Richmond County or the mayor and council of Augusta or the board of commissioners of the City of Hephzibah. The Commission shall assume on January 1, 1996, all obligations arising under all such pension plans, but the assumption of such obligations by the Commission shall not create any obligation on the part of the Commission or create any right which did not exist prior to January 1, 1996.

(b) This Act shall not result in and shall not be implemented to result in the termination of employment of any employees of Richmond County or the City of Augusta or the City of Hephzibah or of any agency, instrumentality, commission, or authority thereof, but this limitation shall not create or be construed to create any right to continued employment or create any employment contract which did not exist prior to January 1, 1996. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

## **§ 1-39. SHERIFF; FIRE PROTECTION; BOARDS AND AUTHORITIES; MUNICIPAL COURT.**

(a) The sheriff of Richmond County shall perform his or her constitutional and statutory duties throughout the entire limits of Richmond County. The sheriff of Richmond County shall be the chief law enforcement officer of Richmond County.

(b) The Commission in cooperation with the sheriff shall utilize the facilities, equipment, vehicles, records, and personnel of the former Augusta Police Department, the former Hephzibah Police Department if the city charter is repealed as provided in Section 18 of this Act [§ 1-1-44], and the Richmond County Sheriff's Department in such manner as it shall deem necessary to ensure adequate protection of the lives and property of all of the citizens of Richmond County.

(c) The chief of the former Augusta Fire Department shall perform his or her official duties as the chief firefighter throughout the entire limits of Richmond County.

(d) The Commission in cooperation with the chief shall utilize the facilities, equipment, vehicles, records, and personnel of both the former Augusta Fire Department, the former Hephzibah Fire Department if the city charter is repealed as provided in Section 18 of this Act [§ 1-1-44], and the Richmond County Fire Department in such manner as it shall deem necessary to ensure the most advantageous rating classification of the commercial, residential, and public property in Richmond County.

(e) The Commission shall create a law department, to employ one or more full-time attorneys, to employ such clerical assistance as deemed necessary and appropriate, and to supply an office, office equipment, a law library, and such other equipment and supplies as may be necessary. Neither the Mayor nor any member of the Commission shall seek or receive legal advice or services from any member of the law department or any other attorney retained or employed by the Commission on any personal legal matter not related to the duties of his or her office.

(f) Except as provided by this Act or prohibited by the general laws of this state, the membership of all boards, commissions, committees, panels, authorities, or other entities appointed by the board of commissioners of Richmond County or the governing authority of the City of Augusta, or if the charter of the City of Hephzibah is repealed as provided in Section 18 of this Act [§ 1-1-44], the City of Hephzibah, shall be increased by creating two new members for each who shall be recommended by the Richmond County delegation in the General Assembly of Georgia and appointed by the Commission established by this Act in accordance with the existing laws or ordinances for the appointment of members to such entities. Each such member shall serve out the term of office to which such member was appointed. As soon as practical, but in no event less than 90 days after the initial members of the Commission take office, the Commission shall identify those boards, panels, authorities, or other entities the membership of which is not comprised of persons who reside in each Commission district and shall propose a plan for each such board, commission, or entity to expand or contract the number of members thereof so that as soon as practical, each such entity shall consist of one member from each Commission district. Each appointee shall be designated by the Commission as a member representing a designated district. Except as provided by this Act or prohibited by the general laws of this state, the positions of director or administrative head, by whatever name known, of each department or entity of the governments of Richmond County and the City of Augusta and, if the charter of the City of Hephzibah is repealed as provided in Section 18 of this Act [§ 1-1-44], the City of Hephzibah shall be abolished 90 days after the members of the Commission take office under this Act. Such departments may be reestablished, reorganized, or consolidated; new job descriptions shall be established as appropriate; and a director or administrative head shall be appointed for each department by the Commission. Any person who formerly occupied such position and any other person shall have the right to apply for any position thus created. The provisions of this subsection shall not result in the automatic termination from employment with the reorganized government of any such person and the provisions of Section 12 of this Act [§ 1-1-38] shall be applicable to any such

person. On or after January 1, 1996, no person shall be eligible for appointment to any position as the director or administrative head of any department or agency of the reorganized government unless such person meets such qualifications as may be established by the Commission.

(g) The Municipal Court of the City of Augusta shall act as the Municipal Court of Augusta-Richmond County and shall have jurisdiction throughout Richmond County until such court is abolished by an Act of the General Assembly.

(h) No elected official of such government nor any member of the General Assembly of Georgia whose district lies totally or partially within Richmond County shall be eligible to do business with or receive any contract from such government except through competitive bids. Said persons shall not receive personal services from county vendors, attorneys, or others. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

## **§ 1-40. EQUAL OPPORTUNITY.**

(a) The government of Augusta-Richmond County shall encourage the meaningful involvement in its operations of all citizens of Augusta-Richmond County, particularly those who are members of minority or other traditionally disadvantaged groups, as appointees, employees, and independent contractors. The Commission shall afford equal opportunities for employment and promotion to all persons regardless of race, sex, religion, gender, creed, color, or national origin.

(b) It is the policy of the Augusta-Richmond County government to ensure the equitable participation of all minorities, including African Americans, women, and small businesses in providing goods and services to the city-county government. The goal of this section is to increase the use of such minorities and small businesses to a level comparable with their availability. This participation goal shall be used as a guideline to the Commission and shall not be construed as a ceiling or quota.

(c) In furtherance of the policies stated in subsections (a) and (b) of this section, the Commission shall employ a person to serve as equal employment opportunity director and as director of minority and small business opportunities. The director shall develop and, subject to the approval of the Commission, implement such policies, procedures, and guidelines as the director deems necessary or appropriate to ensure equal employment opportunities for all citizens. The director, subject to the approval of the Commission, shall propose and implement such policies, procedures, and guidelines as are necessary and appropriate to ensure equal opportunities for all businesses and citizens in contracting with the Commission and all departments, agencies, authorities, and other entities of local government and to encourage the development of minority and small businesses within Richmond County. In addition, said director shall have such other powers and duties as may from time to time be afforded by action of the Commission.

(d) The Commission shall establish a citizens advisory council for minority employment and small business opportunities to advise the Commission and director of matters pertaining to this section, and to meet with minorities and small businesses to review the problems of minority and small business opportunities. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

**§ 1-41. AMENDMENTS.**

The Commission shall have the authority upon the affirmative votes of two-thirds of those elected to the Commission, excluding the Mayor, to change the provisions of this Act which conflict with existing or future state or federal laws; provided, however, that no provisions shall be made which diminish or change the principle of representation of citizens by district on the Commission or any other entity.

**§ 1-42. TOWN OF BLYTHE.**

Nothing contained in this Act shall be construed so as to amend, modify, or repeal an Act incorporating the Town of Blythe, Georgia, approved August 3, 1920. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

### § 1-43. TRANSITION TASK FORCE.

(a) Effective July 1, 1995, there is created a transition task force for the purpose of planning and preparing for the assumption of governmental powers by the Commission on January 1, 1996. The transition task force shall be composed of members as follows:

(1) The board of commissioners of Richmond County shall appoint four members. One of such members shall be the chairperson of the board of commissioners, who shall serve as a member of the transition task force until January 1, 1996. The commissioners appointed to the task force shall be apportioned so that at least two of the commissioners are representatives of existing county commission districts three, six, seven, and eight and two commissioners are representatives of existing county commission districts one, two, four, and five;

(2) The city council of the City of Augusta shall appoint four members. One of such members shall be the mayor of the City of Augusta, who shall serve as the chief executive officer of the transition task force. The city council representatives who are appointed shall be apportioned so that at least two of such members are representatives of former Wards 1, 2, 3, 4, 9, 12, and 13 and two of such members are representatives of former Wards 5, 6, 7, 8, 10, and 11;

(3) The members of the General Assembly of Georgia whose districts include all or any portion of Richmond County shall appoint four members; and

(4) The board of commissioners of the City of Hephzibah shall appoint one member, provided that, if the voters of the City of Hephzibah do not approve an Act enacted by the General Assembly of Georgia at its regular session in 1995 amending the charter of the City of Hephzibah providing for a reorganized government in Richmond County and providing for the repeal of said charter, the membership of such member on the transition task force shall be abolished on the date the results of such referendum are certified.

Any vacancy on the transition task force shall be filled by the appointing authority which originally appointed the member to such vacant position. The transition task force shall meet upon the call of the chief executive officer of the transition task force for the purpose of planning and scheduling the initial organization of the government in accordance with the applicable provisions of this Act. Any transition task force in existence on January 1, 1996, is abolished.

(b) The transition task force shall be authorized to make such recommendations as it deems appropriate for the assumption of governmental powers by the Commission on January 1, 1996. The transition task force is specifically charged with the responsibility of developing proposed ordinances, including ordinances relating to the creation of special services tax districts, which should be considered for adoption by the Commission at its first regular meeting held following January 1, 1996, or at a regular meeting of the Commission held as soon thereafter as practicable.

(c) All officers, officials, including elected officials, and employees of Richmond County, the City of Augusta, and the City of Hephzibah shall cooperate with and assist the transition task force. The transition task force shall be entitled to examine all records, files, and other data in the possession of Richmond County, the City of Augusta, and the City of Hephzibah and all officers, officials, and employees and departments thereof. Richmond County, the City of Augusta, and

the City of Hephzibah shall, to the extent possible, provide working areas and facilities for the transition task force.

(d) The transition task force shall be authorized to receive and expend appropriations from the board of commissioners of Richmond County and from the mayor and city council of Augusta and from the board of commissioners of the City of Hephzibah for the purpose of carrying out its duties, but members of the transition task force shall receive no compensation for their services as such members.

(e) During the period beginning on the date on which this Act is approved in the referendum provided for by Section 18 of this Act [§ 1-1-44] or on the date an Act enacted by the General Assembly of Georgia at its regular session in 1995 amending the charter of the City of Augusta providing for a reorganized government in Richmond County and providing for the repeal of said charter is approved in a referendum by a majority of the voters voting within the City of Augusta, whichever is later, it shall be the duty of the transition task force to recommend and the duty of the board of commissioners of Richmond County and the mayor and city council of Augusta to implement, where possible, such consolidations or reorganizations of services, functions, powers, and duties as may be advantageous to the consolidation of such governments on January 1, 1996.

(f) If an Act enacted by the General Assembly of Georgia at its regular session in 1995 amending the charter of the City of Augusta and providing for a reorganized government in Richmond County and providing for the repeal of said charter is approved in a referendum by a majority of the voters voting within the City of Augusta, then during the period beginning on the date on which this Act is approved in the referendum provided for by Section 18 of this Act [§ 1-1-44] or on the date an Act enacted by the General Assembly of Georgia at its regular session in 1995 amending the charter of the City of Hephzibah and providing for a reorganized government in Richmond County and providing for the repeal of said charter is approved in a referendum by a majority of the voters voting within the City of Hephzibah, whichever is later, it shall be the duty of the transition task force to recommend and the duty of the board of commissioners of Richmond County, the board of commissioners of the City of Hephzibah, and the mayor and city council of the City of Augusta to implement, where possible, such consolidations or reorganizations of services, functions, powers, and duties as may be advantageous to the consolidation of such governments on January 1, 1996.

(g) Every effort shall be made to consolidate water and sewerage services as soon as practical and to ensure that every citizen within the county is treated fairly and equitably in the pricing of such services and is charged the same rate for the same service.

(h) The transition task force shall be abolished on the date specified by the Commission. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

## § 1-44. REFERENDUM.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Richmond County shall call and conduct an election as provided in this section for the purpose of submitting Part I of this Act to the electors of Richmond County for approval or rejection. The election superintendent shall conduct that election on the earliest date therefor permissible under Code Section 21-2-540 of the O.C.G.A. and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Richmond County. The ballot shall have written or printed thereon the words:

( ) YES Shall the Act be approved which creates a board of commissioners designated as the Augusta-Richmond County Commission consisting of a Mayor and ten

( ) NO Commissioners to administer, govern, and operate a reorganized government in Richmond County with both county and municipal powers?

All persons desiring to vote for approval of Part I of the Act [ §§ 1-1-27--1-1-42 ] shall vote Yes, and those persons desiring to vote for rejection of Part I of the Act [ §§ 1-1-27--1-1-42 ] shall vote No. If more than one-half of the votes cast on such question are for approval of Part I of the Act [ §§ 1-1-27--1-1-42 ], it shall become of full force and effect as provided in subsection (c) of Section 19 of this Act [ § 1-1-45(c) ]. If Part I of the Act [ §§ 1-1-27--1-1-42 ] is not so approved or if the election is not conducted as provided in this section, Part I of this Act [ §§ 1-1-27--1-1-42 ] shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

The expense of such election shall be borne by Richmond County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

## **§ 1-45. EFFECTIVE DATE.**

(a) Section 18 of this Act [§ 1-1-44], this section, and Section 20 of this Act [§ 1-1-45.1] shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval.

(b) Part II of this Act [§ 1-1-43] shall become effective on July 1, 1995.

(c) Part I of this Act [ §§ 1-1-27--1-1-42] shall become effective on May 1, 1995, for the purpose of conducting elections of the initial members of the Augusta-Richmond County Commission and shall become effective on January 1, 1996, for all purposes but only if an Act enacted by the General Assembly of Georgia at its regular session in 1995 amending the charter of the City of Augusta providing for a reorganized government in Richmond County and providing for the repeal of said charter is approved in a referendum by a majority of the voters voting within the City of Augusta and this Act is approved in the referendum provided for in Section 18 of this Act [§ 1-1-44]. Those provisions of Part I of this Act [ §§ 1-1-27--1-1-42] which relate to the City of Hephzibah or which create Urban Services District H shall be repealed on January 1, 1996, unless an Act enacted by the General Assembly of Georgia at its regular session in 1995 amending the charter of the City of Hephzibah providing for a reorganized government in Richmond County and providing for the repeal of said charter is approved in a referendum by a majority of the voters voting within the City of Hephzibah and Part I of this Act [ §§ 1-1-27--1-1-42] becomes effective as provided in this subsection. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

**§ 1-1-45.1. REPEALER.**

All laws and parts of laws in conflict with this Act are repealed. (1995 Ga. Laws, p. 3648; 1996 Ga. Laws, p. 3607; 1997 Ga. Laws, p. 4024; 1997 Ga. Laws, p. 4690)

**§ 1-1-45.2. IMMUNITY.**

The tort and nuisance liability of the consolidated government of Augusta-Richmond County shall follow the law and rules of tort liability applicable to counties in Georgia. (1996 Ga. Laws p. 3607, § 1)

**§ 1-46. POWERS AND DUTIES--GENERALLY.**

The said board of commissioners shall exercise all the powers relative to county matters that were vested in the judge of the city court as ex-officio commissioner of roads and revenues under and by virtue of an act to *constitute the judge of the city court in the County of Richmond ex-officio commissioner of roads and revenues for Richmond County; to define his powers and duties; and for other purposes*, approved September 17, 1883 [see § 1-1-47.] (Ga. Laws 1931, p. 555, § 3)

**§ 1-47 SAME--AS SPECIFIED IN 1883 ACT.**

(a) The judge of the city court in the county of Richmond shall be ex-officio the commissioner of roads and revenues in said county, and as such shall have original and exclusive jurisdiction over the following subject matters, to wit:

- (1) In directing and controlling all the property of the county as he may deem expedient according to law;
- (2) In levying all county taxes according to law;
- (3) In establishing, altering or abolishing all roads, bridges or ferries in conformity to law;
- (4) In establishing and changing election and militia districts;
- (5) In supplying, by appointment, all vacancies in county offices and in ordering elections to fill them;
- (6) In examining, settling and allowing all claims against the county;
- (7) In examining and auditing the accounts of all officers having the care, management, keeping, collection or disbursement of money belonging to the county or appropriated for its use and benefit, and bringing them to a settlement;
- (8) In making such rules and regulations for the support of the county, for county police and patrol, for the promotion of health and quarantine as are granted by law or consistent therewith;
- (9) In appointing managers for county, state and national elections;
- (10) In regulating peddling and fixing the price of licenses therefor, in granting and issuing all licenses, the proceeds of which form or may form part of the county revenue;
- (11) In approving the bonds of all officers having the collection, custody or disbursement of county funds;
- (12) He shall have the power to appoint any person to discharge any trust authorized by his powers, where no other person is designated by law, and to regulate his compensation and take bond and security;
- (13) He is authorized and empowered to exercise all the powers that could be lawfully exercised by the justices of the inferior court when sitting for county purposes by the justices thereof at the time of the abolishment of the inferior court except as to proceedings and record in cases of lunacy, the appointment of processioners, and proceedings in cases of processioning, the taking and approving of all official bonds and qualifying of officers under dedimus from the governor, except the bonds of all officers

charged by law with the collection and custody of money must be submitted to the commissioner for his approval; in binding out and apprenticing of minors, in proceedings connected with estrays, marks, brands and weights and measures, the powers and duties herein excepted to be exercised by the ordinary who shall receive such fees as are now or may hereafter be provided by law for said services;

(14) The said commissioner shall exercise such other powers as are or may be granted by law, or are indispensable to his jurisdiction over county matters and county finances.

(b) Said commissioner shall hold one session for county purposes at the courthouse on the first Tuesday in each and every month, and at other times as often as in his judgment the powers and duties herein conferred may require.

(c) He shall cause to be kept a book of minutes containing his acts and doings as commissioner, a complete record of the affairs of the county; said minutes, records and vouchers for all funds of the county disbursed shall be kept in the commissioner's office in the courthouse, and subject to the inspection and examination of the grand juries at each and every term of the superior court. He shall at the spring term of the superior court make to the grand jury thereof a full and explicit report of the condition of the affairs of the county for the year preceding, and accompany said report with the statement of the receipts and disbursements for the year, and furnish any information to the grand jury they may desire concerning county matters.

(d) The clerk of the city court shall be ex-officio clerk of said commissioner, and shall keep the minutes and records for county purposes, and perform such other duties as may be required of him as said clerk and incident to said office. The said clerk shall receive as compensation for all services where no fees are provided by law such sum as the commissioner may deem reasonable and just, not to exceed the sum of \$60.00 per month. (Ga. Laws 1883, p. 528, §§ I-IV)

**§ 1-48. MEETINGS.**

Said commissioners shall hold one session for county purposes at the courthouse on the first Tuesday in every month, and at other times as often as in their judgment the powers and duties herein conferred may require. (Ga. Laws 1931, p. 55, § 4)

**§ 1-49. RECORD; ANNUAL REPORT.**

The board of commissioners shall cause to be kept a book of minutes containing their acts and doings as commissioners, a complete record of the affairs of the county. Said minutes, records and vouchers for all funds of the county disbursed shall be kept in the commissioners' office in the courthouse, and subject to the inspection and examination of the grand juries at each and every term of the superior court; and they shall at the spring term of the superior court make to the grand jury thereof, a full and explicit report of the condition of the affairs of the county for the year preceding, and accompany said report with a statement of the receipts and disbursements for the year, and to furnish any information to the grand jury that they may desire concerning county matters. (Ga. Laws 1931, p. 55, § 5)

**§ 1-50. COUNTY ADMINISTRATOR, POWER AND AUTHORITY TO ELECT; DUTIES, TERMS AND CONDITIONS OF EMPLOYMENT.**

Said board of commissioners shall have the power and authority to elect a county administrator, who shall have an office at the courthouse. The county administrator shall be responsible to the board of commissioners of Richmond County for the proper administration of the affairs of the county. The terms and conditions of employment of the county administrator, and the duties of the county administrator shall be as determined by resolution of the board of commissioners of Richmond County. (Ga. Laws 1931, p. 555, § 6; Ga. Laws 1949, p. 310; Ga. Laws 1953 (Jan.--Feb. Sess.), p. 2548; Ga. Laws 1974, p. 3562, § 2; Ga. Laws 1980, p. 4590, §§ 2, 3)

**§ 1-51 COUNTY ATTORNEY, POWER AND AUTHORITY TO ELECT; DUTIES, TERM, COMPENSATION, INELIGIBILITY FOR RETIREMENT BENEFITS.**

The board of commissioners shall have the authority to elect an attorney-at-law who is licensed as such, and whose duty it shall be to advise and represent the said board of commissioners in all legal matters pertaining to the discharge of their official duties and to represent the interests of the county as said board of commissioners deem it proper. The term of office for said attorney shall be for one year, and he shall be elected by said board at its regular meeting in January of each year. Said attorney shall be compensated upon a fee basis or upon a fixed monthly, annually or other method of compensation as said board of commissioners deems to be in the best interest of the county. The county attorney shall be ineligible for membership under any existing pension or retirement laws of Richmond County. (Ga. Laws 1931, p. 555, § 8; Ga. Laws 1967, p. 3032, § 10; Ga. Laws 1974, p. 3562, § 3)

**§ 1-52. ADDITIONAL ATTORNEYS, AUTHORITY TO EMPLOY.**

The board of commissioners is authorized and empowered to employ additional attorneys for compensation when deemed in the best interest of the county by said board of commissioners, and to pay said compensation out of county funds. (Ga. Laws 1931, p. 555, § 9; Ga. Laws 1974, p. 3562, § 4)

**§ 1-53. OFFICE CLOSING--BOARD OF COMMISSIONERS.**

The board of commissioners of roads and revenues of the County of Richmond shall be authorized, in its discretion, to close its offices in the municipal building in the City of Augusta, where the county courthouse is located, as well as its offices in other public buildings in said county, on Saturday of each week and to keep such offices open for the transaction of business on holidays other than Sundays, New Year's Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day. (Ga. Laws 1967, p. 3275, § 1)

**§ 1-54 SAME--OTHER COUNTY OFFICIALS.**

Each of the several elected officers of Richmond County, including clerk of superior court, treasurer, tax commissioner, sheriff, ordinary and each of the solicitors general and the judges of the courts, shall likewise be authorized, in the discretion of each such officer, to close his offices on Saturdays and to remain open for the transaction of business on holidays as set forth in § 1-1-53. (Ga. Laws 1967, p. 3275, § 2)

**§ 1-55. INTENT OF ACT.**

The authority hereby conferred upon the board of commissioners of roads and revenues is cumulative and shall not limit or modify the exercise of powers and the discharge of duties affecting the county government. (Ga. Laws 1967, p. 3275, § 4)

**§ 1-56. POLICE POWER.**

The General Assembly of the State of Georgia is hereby authorized to empower the governing authority of Richmond County to adopt ordinances or regulations for the governing and policing of said county for the purpose of protecting and preserving the health, safety, welfare and morals of the citizens thereof as it may deem advisable, not in conflict with the general laws of this state and of the United States, and for the implementation and enforcement of all duties and powers now or hereafter vested in said governing authority of Richmond County, and to provide penalties for violations of such ordinances. (Ga. Laws 1968, p. 1506)

**§ 1-57. POWER TO ADOPT ORDINANCES, ETC.--GENERALLY.**

The governing authority of Richmond County is hereby granted the authority and power to adopt ordinances or regulations for the governing and policing of said county for the purpose of protecting and preserving the health, safety, welfare and morals of the citizens thereof as such governing authority may deem advisable. Such ordinances shall not be in conflict with the general laws of the State of Georgia and of the United States. (Ga. Laws 1975, p. 4548, § 1)

**§ 1-58. SAME--PARTICULAR ORDINANCES ENUMERATED.**

The governing authority of Richmond County is hereby granted the authority and power to adopt such ordinances as provided for herein including, but not limited to, ordinances for fire prevention, fire safety and protection, minimum housing code and standards, animal control, zoning and zoning enforcement, abandoned and junk vehicles, subdivision regulations, erosion and sedimentation regulations and traffic regulations. (Ga. Laws 1975, p. 4548, § 2)

**§ 1-59. SAME--STATE COURT JURISDICTION.**

The State Court of the County of Richmond shall have the jurisdiction to hear and determine cases involving violations of the ordinances of Richmond County, and the jurisdiction of the court shall extend throughout the entire territorial limits of Richmond County, Georgia. Said ordinances shall be enforced in the State Court of the County of Richmond pursuant to the laws and acts creating said state court. (Ga. Laws 1975, p. 4548, § 3)

**§ 1-60. SAME--PENALTIES FOR ORDINANCE VIOLATIONS.**

The governing authority of Richmond County is hereby granted the authority and power to provide penalties for the violation of such ordinances, said penalties not exceeding a fine in the amount of \$300.00, imprisonment in the county jail for a period not in excess of 60 days, to work in the work gang on the public streets, or on such public works as the county authorities may employ the work gang not to exceed 60 days, or by any one or more of such punishments. (Ga. Laws 1975, p. 4548, § 4)

[Editor's Note: This local act conflicts with O.C.G.A. § 17-10-3 which authorizes a fine not to exceed \$1000.00, or imprisonment not to exceed 12 months.]

**§ 1-61. PROVISION FOR OVERTIME USE OF COURTROOMS.**

Should the operation of any court in Richmond County require that the offices and courtroom of such court remain open after customary office hours or on Saturday, or should the continued deliberations of a jury require the occupancy of quarters in the courthouse at such times, it shall be the duty of the board of commissioners of roads and revenues to make provision for the continued and uninterrupted use and occupancy of the quarters, offices and courtrooms for such courts and juries. (Ga. Laws 1967, p. 3275, § 3)

## **§ 1-63. BUSINESS TAXES, LICENSES, RULES AND REGULATIONS.**

The board of commissioners of Richmond County shall have the right and power to assess and collect license fees and taxes from all persons, firms and corporations maintaining a place or places of business in any area of Richmond County outside the incorporated limits of municipalities; and the right and power to license and regulate taxicabs and cars for hire in such unincorporated areas; and the right and power to classify businesses and business enterprises, and to assess different fees and taxes against different classes of business, excepting from the application of these provisions only those businesses which are subject to regulation by the state public service commission. The board of commissioners of Richmond County shall also have the right and power to license all businesses and business enterprises (which are not subject to regulation by the state public service commission) in any area of Richmond County outside the incorporated limits of municipalities, in the interest of the welfare of the citizens of Richmond County, and to prescribe rules and regulations concerning the same, and to provide that violation of any license regulation adopted by the board of commissioners of Richmond County or the failure to pay any license fee or tax prescribed for any business shall constitute a misdemeanor punishable upon conviction thereof as prescribed by the general laws of the State of Georgia. (Ga. Laws 1970, p. 1099)

[Editor's Note: Portions of this section conflict with O.C.G.A. § 48-13-1 et seq. and are therefore repealed.]

**§ 1-65. TRAFFIC REGULATIONS--GENERALLY.**

The governing authority of Richmond County is hereby authorized to enact traffic ordinances and regulations to police the movement of vehicles and the flow of traffic in the unincorporated areas of Richmond County for the purpose of protecting and preserving the health, safety, and welfare of the citizens thereof as it may deem advisable, not in conflict with the general laws of this state or the United States. (Ga. Laws 1969, p. 2657, § 1)

**§ 1-66. SAME--PENALTIES.**

The governing authority of said county is further authorized to prescribe penalties for the violation of such traffic ordinances and regulations, not in conflict with the general laws of this state or the United States. (Ga. Laws 1969, p. 2657, § 2)

**§ 1-67. ADVERTISEMENT, PROMOTION OF COUNTY.**

The governing authority of Richmond County is authorized and permitted to appropriate property, moneys and services, any or all so as to advertise and promote the agricultural, industrial, historic, recreational and natural resources, facilities and assets of Richmond County and environs, to promote and encourage the location and expansion of industrial and commercial facilities therein and to attract tourists and conventions thereto, making such appropriations directly for such purposes through such agencies, public or private, as it may designate but conditioned that such appropriations shall not exceed \$75,000.00 during any one calendar year. ("Amendment 73," Ga. Laws 1974, p. 1698, § 1; Ga. Laws 1986, p. 4480, § 1)

## **§ 1-68. FOREST LANDS AND MINERAL RESOURCES--DECLARATION OF POLICY.**

It is hereby determined and declared that the forest and timbered lands and minerals within the State of Georgia are among the greatest and most valuable resources and assets of the state, and, if properly managed and utilized within the state, they will constitute a constantly increasing source of income and employment.

It is further determined and declared that great areas of forest lands and mineral deposits are located within the County of Richmond and surrounding territory, which fact, together with the available transportation facilities of the area and other relevant factors, should induce industries which utilize forest and mineral products to locate in Richmond County.

It is also determined and declared that further inducement of industries which utilize forest and mineral products to locate, expand and operate in Richmond County will result in an enhancement in the value of the timbered and mineral lands of said county and surrounding territory and will greatly stimulate and increase employment in that area, and will be to the best interests of said County of Richmond and its citizens, to the best interests of the counties adjoining the County of Richmond and the citizens thereof, and the best interests of the State of Georgia as a whole. (Ga. Laws 1957, p. 2412, §§ 2--4)

**§ 1-69. SAME--POWERS OF BOARD OF COMMISSIONERS.**

In order to encourage, foster and further promote the utilization of Georgia forest and mineral products within the state, and particularly within the County of Richmond, any municipality acting by and through its governing body, in addition to the powers and authority which it may now have, shall have power:

(a) To sell, convey, lease for any term, or otherwise transfer any of its real property, or any interest therein, needed or useful in the construction, expansion or operation of, or as a site for an industrial plant, system or facility which utilizes timber or other forest and mineral products; provided that the governing body of said municipality shall first, in its discretion, determine and declare by appropriate resolution that such property or interest is not necessary to the municipality for other public purposes; and provided that the consideration for such sale, conveyance, lease or transfer may be the construction, expansion or operation of such industrial plants, system or facility in Richmond County, and the consequential benefit to said municipality or its citizens and only such other consideration as said governing body may, in its discretion, deem proper and fitting, regardless of the actual worth or value of such property or interests;

(b) To acquire by gift, purchase or the exercise of the right of eminent domain, to construct, to reconstruct, to improve, to better, to extend, to operate, and to maintain systems, plants, works, instrumentalities and properties used or useful in connection with the collection, treatment, aeration, or disposal of industrial wastes and effluents, sewerage and storm water, or any of them; and as part of the service and operation of such systems plants, works, instrumentalities and properties, to expel, flow, direct or dump such wastes, effluents, sewerage and storm water into any reservoir, settling ponds or aeration systems owned, maintained or operated for that purpose, and into any branches, creeks, rivers or streams located in whole or part in said county;

(c) To make contracts with the owner or owners of existing future or proposed, industrial plants of the type which utilize timber or other forest products, or mineral products, whereby said municipality undertakes and obligates itself to collect, treat, aerate, or dispose of the sewerage or industrial wastes and effluents of such industrial plants for and during such period of years in such manner, at such costs, and for such fees, tolls, and charges as the governing body of said municipality may, in its discretion, deem proper and fit by such contract;

(d) To advertise the advantages of locating such industrial plants within said county. (Ga. Laws 1957, p. 2412, § 5)

**§ 1-70. SAME--SAME--EXERCISE NOT TO CONSTITUTE NUISANCE.**

It is determined and declared that the exercise of the powers conferred by § 1-1-69 hereof, or any of them, and the doing of the acts and things enumerated in said § 1-1-69, or any of them, shall be for the best interests of the public, and the exercise of any such powers, or the doing of any such acts or things by any municipality shall in no event constitute or be declared a public nuisance. (1957 Ga. Laws 1957, p. 2412, § 6.)

**§ 1-71. SAME--DEFINITIONS.**

Whenever used in this act, unless different meaning clearly appears from the context, the following terms shall have the following meanings:

(a) *Municipality*. The County of Richmond, or any incorporated city or town located in Richmond County; and

(b) *Governing body*. The board, commission, council or other local legislative body of such municipality. (Ga. Laws 1957, p. 2412, § 1.)

## **§ 1-72. STREET LIGHTS.**

The board of commissioners of Richmond County shall be authorized and empowered to establish districts for the purpose of erecting, establishing, maintaining and operating within Richmond County street lights and lamps for illumination of the public streets, roads, sidewalks and ways situated in said county. If at least fifty percent of the property owners within the proposed district shall assent thereto, the board shall be further authorized to levy, assess and collect a tax or special assessment against the property located in said districts for the aforesaid purposes or make service charges against all businesses and residents served by said facilities as the board of commissioners shall deem necessary for the services rendered, all without regard to uniformity. Such tax assessments shall be collected by the tax commissioner of said county and may be enforced by the issuance of fi fas or executions for said charges in the same manner and with the same lien dignity and priority as fi. fas. or executions are issued for state and county taxes. Said board shall also have authority to compel compliance with reasonable rules and regulations necessary for said services. (Ga. Laws 1970, p. 1097.)

**§ 1-73 URBAN REDEVELOPMENT.**

All powers, privileges, duties or immunities now or heretofore granted to municipalities by the urban redevelopment law, and all acts amendatory thereof, are hereby granted to and conferred upon every county of this state having a population of 150,000 and not more than 500,000 according to the 1960 United States Census or any future such census. (Ga. Laws 1969, p. 807.)

**§ 1-74. RECREATIONAL PROGRAM.**

The board of commissioners of Richmond County shall establish and maintain a program of recreation for the benefit of all citizens of Richmond County. In establishing and carrying out said program, the commissioners shall establish and locate recreational facilities throughout the county so that such programs shall be available to all citizens of Richmond County. (Ga. Laws 1970, p. 3325.)

**§ 1-75. CREATION OF PROGRAM TO REGULATE AND CONTROL ACCESS POINTS AND UTILITY EXCAVATIONS ON COUNTY ROADS.**

The Board of Commissioners of Richmond County shall establish a program to regulate and control access points and utility excavations on all county roads, and said board shall have the authority to adopt reasonable regulations in relation to the subject matter of this section in order to carry out the powers, duties and responsibilities imposed upon them by the provisions of this section. (Ga. Laws 1974, p. 3562, sec. 1; Ga. Laws, 1975, p. 3857, sec. 1.)

**§ 1-76. ANIMAL CONTROL--PROGRAM ESTABLISHED.**

The commissioners of Richmond County shall establish a program of animal control to prevent stray animals from running at large throughout the county. In order to carry out said program, the board of commissioners of Richmond County shall establish and maintain appropriate facilities for the collection and housing of impounded stray animals from throughout Richmond County. The commissioners of Richmond County shall have the authority to adopt reasonable resolutions in relation to the subject matter of this section in order to carry out the powers, duties and responsibilities imposed upon them by the provisions of this section. (Ga. Laws 1970, p. 3327)

**§ 1-77. SAME--PENALTY.**

Any person, firm, partnership or corporation violating any rule or regulation established by the board of commissioners under the authority of this law for the protection of the general public in the control of animals, not in conflict with the general laws of this state or the United States, shall be guilty of a misdemeanor. (Ga. Laws 1973, p. 3197)

**§ 1-78. SPECIAL ASSESSMENTS FOR STREETS, SIDEWALKS, WATER AND SEWER MAINS.**

The general assembly may grant to the governing authority of Richmond County the right to construct or repair streets and sidewalks and to lay curbing, water and sewer mains and to assess the costs thereof pro rata against the abutting property owners; provided, the owners of 75 percent of the property abutting such improvements shall consent thereto and to provide for the issuance and enforcement of execution for the collection of such assessments and for the creation of liens thereby against such abutting property. Provided, however, that any act of the general assembly adopted pursuant hereto shall restrict the authority to those areas of said county where the property has been subdivided into lots having 350 feet of street frontage or less. (Ga. Laws 1955, p. 460)

**§ 1-79. REVENUE ANTICIPATION BONDS FOR INCINERATOR, GARBAGE AND REFUSE FACILITIES.**

Anything in this Constitution to the contrary notwithstanding, Richmond County, Georgia, is hereby authorized to acquire, construct, add to, improve, equip, maintain and operate incinerator, garbage and refuse facilities of every kind and character and to make and to prescribe and revise rates and to collect fees, tolls and charges for the use thereof and to lease all or any part thereof and to contract with other political subdivisions or public corporations and private corporations and persons for the use thereof and to accomplish the foregoing is hereby authorized to issue its revenue bonds or obligations to finance, in whole or in part, the cost of acquiring, constructing, adding to, improving and equipping incinerator, garbage and refuse facilities, including, but not limited to, all buildings, structures and equipment useful or desirable in connection therewith, acquiring the necessary property therefor, both real and personal, and paying all expenses incident thereto. Any such revenue bonds authorized to be issued hereunder shall be issued and validated pursuant to the provisions of the Revenue Bond Law (Georgia Laws 1957, page 36 et seq.), amending the law formerly known as the Revenue Certificate Law of 1937 (Ga. Laws 1937, page 761 et seq.), as amended, and when so validated thereunder shall be forever incontestable and conclusive in every respect. (Ga. Laws 1978, p. 2355, § 1; Ga. Laws 1986, p. 4483, § 1)

**§ 1-80. PURCHASE OF GOODS, MATERIALS, ETC.--WITHOUT BID OR ADVERTISEMENT--COST NOT IN EXCESS OF ONE THOUSAND FIVE HUNDRED DOLLARS.**

The Augusta-Richmond County Commission is hereby authorized to purchase any goods, materials or supplies of any nature, used by Richmond County in its government affairs, without bid and legal advertisement, by obtaining at least three (3) quotations in writing, or by telephone, which shall be reduced to writing, entered on the minutes of said Commission and retained for a period of at least two years, when the cost of said goods, materials or supplies is between \$1,500.00 and \$10,000.00. (Ga. Laws 1975, p. 4334, § 1, Ord. # 5934, Ga. Laws 1998, p. 4722).

**§ 1-81. SAME--SAME--COST BETWEEN FIFTEEN HUNDRED DOLLARS AND FIVE THOUSAND DOLLARS.**

The board of commissioners of Richmond County, Georgia, is hereby authorized to purchase any goods, materials or supplies of any nature used by Richmond County in any of its governmental affairs, without bid and legal advertisement, by obtaining at least three written quotations entered on the minutes of said board, and retained for a period of at least two years, when the cost of said goods, materials or supplies is between \$500.00 and \$5,000.00. (Ga. Laws 1975, p. 4334, § 2; Ord. No. 93-1; Ga. Laws 1994, p. 5160; Ord. No. 5934, Ga. Laws 1998, p. \_\_\_\_).

**§ 1-82. SAME--SAME--WHEN EMERGENCY EXISTS.**

In the event the board of commissioners of Richmond County determines, at an open meeting of which minutes are recorded, that an emergency exists and there is an immediate need for goods, materials or supplies to relieve said emergency, the board of commissioners shall be allowed to approve purchases without bids in the event the board has determined an emergency exists, but all such declarations of emergency shall be in strict accordance with applicable state law defining emergency. (Ga. Laws 1975, p. 4334, § 4)

**§ 1-83. SAME--ADVERTISEMENT FOR BIDS.**

With the exceptions provided in this section and §§ 1-1-80, 1-1-81, 1-1-82, 1-1-84, and 1-1-85, the board of commissioners of Richmond County, Georgia, shall, in all other instances before purchasing any goods, materials or supplies to be used by Richmond County, or entering into any lease of equipment to be used by Richmond County, advertise for bids once a day for three days within a 10-day period in the legal gazette for Richmond County. (Ga. Laws 1975, p. 4334, § 4)

**§ 1-84. SAME--NEGOTIATION FOR PURCHASE WHEN NO BIDS RECEIVED.**

In the event the Board of Commissioners of Richmond County receives no bids, the Board of Commissioners of Richmond County, Georgia, is hereby authorized to negotiate for the purchase of the goods, materials or supplies needed for the operation of its governmental affairs; provided, however, that any such negotiated bid shall be read one time in regular meeting held at least ten days prior to the acceptance or approval of such negotiated bid by the Board of Commissioners of Richmond County. (Ga. Laws 1975, p. 4334, sec. 5.)

**§ 1-85. SAME--USED EQUIPMENT.**

The Board of Commissioners of Richmond County is authorized to purchase used equipment for the operation of its governmental affairs based on three written appraisals from recognized dealers in the subject equipment. Said written appraisals together with the acceptance and approval shall be entered on the regular minutes of the Board of Commissioners of Richmond County at the time said board considers the purchase of any used equipment; provided, however, no such purchase shall be consummated until after the written appraisal proposed to be adopted has been read one time in regular meeting held at least ten days prior to the consummation of said purchase. (Ga. Laws 1975, p. 4334, sec. 6.)

**§ 1-86. AUTHORITY OF BOARD OVER EMPLOYEES OF OTHER ELECTED COUNTY OFFICIALS; LIMITATIONS.**

The governing authority of Richmond County, shall have the authority to set the table of organization and compensation of the sheriff's department, deputy sheriffs and clerks of the elected officials of Richmond County, and to provide compensation and increases in compensation for said employees, deputy sheriffs and clerks under the elected officials of Richmond County, provided however, that the number of employees of the sheriff's department, deputy sheriffs and clerks of the elected officials of Richmond County, shall be fixed by the general assembly. Said governing authority shall provide compensation and increases in compensation on a uniform basis in relation to the classification and wage and salary structure for employees under the governing authority of Richmond County. (Ga. Laws 1977, p. 3701, sec. 1.)

**§ 1-87. AUTHORITY OF BOARD TO PROVIDE RETIREMENT, INSURANCE AND OTHER BENEFITS TO EMPLOYEES OF OTHER ELECTED COUNTY OFFICIALS.**

The governing authority of Richmond County shall have the authority to establish and maintain retirement or pension systems, insurance, workmen's compensation and hospitalization benefits for employees under the elected officials of Richmond County. (Ga. Laws 1977, p. 3701, sec. 2)

## **§ 1-88. JUDGE OF CITY COURT.**

The judge of the city court in the County of Richmond shall be ex-officio the commissioner of roads and revenues in said county, and as such shall have original and exclusive jurisdiction over the following subject matters, to-wit: first, in directing and controlling all the property of the county as he may deem expedient according to law; second, in levying all county taxes according to law; third, in establishing, altering or abolishing all roads, bridges or ferries in conformity to law; fourth, in establishing and changing election and militia districts; fifth, in supplying, by appointment, all vacancies in county offices and in ordering elections to fill them; sixth, in examining, settling and allowing all claims against the county; seventh, in examining and auditing the accounts of all officers having the care, management, keeping, collection or disbursement of money belonging to the county or appropriated for its use and benefit, and bringing them to a settlement; eighth, in making such rules and regulations for the support of the county, for county police and patrol, for the promotion of health and quarantine as are granted by law or not inconsistent therewith; ninth, in appointing managers for county, state and national elections; tenth, in regulating peddling and fixing the price of licenses therefor, in granting and issuing all licenses, the proceeds of which form or may form part of the county revenue; eleventh, in approving the bonds of all officers having the collection, custody or disbursement of county funds; twelfth, he shall have the power to appoint any person to discharge any trust authorized by his powers, where no other person is designated by law, and to regulate his compensation and take bond and security; thirteenth, he is authorized and empowered to exercise all the powers that could be lawfully exercised by the justices of the inferior court when sitting for county purposes by the justices thereof at the time of the abolishment of the inferior court except as to proceedings and record in cases of lunacy, the appointment of proceSSIONERS, and proceedings in cases of proceSSIONING, the taking and approving of all official bonds and qualifying of officers under dedimus from the governor; except, the bonds of all officers charged by law with the collection and custody of money must be submitted to the commissioner for his approval, in binding out and apprenticing of minors, in proceedings connected with estrays, marks, brands and weights and measures, the powers and duties herein excepted to be exercised by the ordinary who shall receive such fees as are now or may hereafter be provided by law for said services; fourteenth, the said commissioner shall exercise such other powers as are or may be granted by law, or are indispensable to his jurisdiction over county matters and county finances. (1882--83 Ga. Laws 528.)

**§ 1-89. CREATION.**

There is hereby created in each county of this state having a population of not less than 183,000 and not more than 216,000 according to the United States Decennial Census of 1990, or any such future census, a board of elections which shall have jurisdiction over the conduct of primaries and elections and the registration of electors in such counties. (Ga. Laws 1973, p. 2283, § 1; Ga. Laws 1982, p. 4321; Ga. Laws 1992, p. 1224, § 1)

**§ 1-90. MEMBERSHIP--COMPOSITION; ELECTION.**

The board of elections in such counties shall be composed of five members, each of whom shall be an elector and resident of the county, and who shall be selected in the following manner:

(a) Two members shall be appointed by the county executive committee of the political party whose candidates, at the last preceding general election, received the largest number of votes in this state for members of the general assembly, and two members shall be appointed by the county executive committee of the political party whose candidates at such election received the next largest number of such votes. The initial appointments of such members shall be made by each party for two and four years, respectively. Thereafter, all appointments shall be for terms of four years and until their successors are duly appointed.

(b) The fifth member shall be appointed from a list of three names submitted by the members of the general assembly representing such counties to the governing authority of each such county for a term of office of four years and until his successor is duly appointed. The member appointed by the governing authority shall be the chairman of the board of elections. (Ga. Laws 1973, p. 2283, § 2)

**§ 1-91. SAME--QUALIFICATIONS.**

No person who holds elective public office shall be eligible to serve as a member during the term of such elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate for elective public office. (Ga. Laws 1973, p. 2283, § 3)

**§ 1-92. SAME--APPOINTMENT.**

The appointment of each member shall be made by the respective appointing authority filing an affidavit with the clerk of the superior court, no later than 30 days preceding the date at which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly appointed as provided in this act. The clerk of the superior court shall record each of such certifications on the minutes of the court and shall certify the name of each such member to the secretary of state and provide for the issuance of appropriate commissions to the members and chairman, within the same time and in the same manner as provided by law for registrars. (Ga. Laws 1973, p. 2283, § 4)

**§ 1-93. SAME--RESIGNATION; REMOVAL.**

Each member of the board shall be eligible to succeed himself for one term and shall have the right to resign at any time by giving written notice of his resignation to the respective appointing or electing authority and to the clerk of the superior court, and shall be subject to removal from the board at any time, for cause after notice and hearing, in the same manner and by the same authority as provided for removal of registrars. (Ga. Laws 1973, p. 2283, § 5)

**§ 1-94. SAME--OATH.**

The first members of the board under this act shall take office on April 1, 1973. Before entering upon his duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest. (Ga. Laws 1973, p. 2283, § 5)

**§ 1-95. VACANCIES.**

In the event a vacancy occurs in the office of any member before the expiration of his term, by removal, death or resignation, or otherwise, the respective appointing authority shall appoint a successor to serve the remainder of the unexpired term. The clerk of the superior court shall be notified of interim appointments and record and certify such appointments, in the same manner as the regular appointment members. (Ga. Laws 1973, p. 2283, § 6)

**§ 1-96. POWERS AND DUTIES--GENERALLY.**

Each board of elections shall:

(a) With regard to the preparation for conduct and administration of primaries and elections, succeed to and exercise all duties and powers granted to and incumbent upon the ordinary pursuant to title 21 of the Code of Georgia, as now or hereafter amended, and/or any other provision of law.

(b) With regard to the registration of electors, succeed to and exercise all of the powers, duties and responsibilities granted to and incumbent upon the board of registrars in such counties pursuant to title 21 of the Code of Georgia, as now or hereafter amended, or any other provision of law. (Ga. Laws 1973, p. 2283, § 8)

**§ 1-97. EMPLOYEES.**

The board shall be responsible for the selection, appointment and training of poll workers in elections; and such workers shall be appointed, insofar as practicable, from lists provided the board by the county executive committee of each political party. The board shall be authorized to employ not less than two full-time employees and such other employees as the governing authority shall approve. There shall also be authorized a full-time executive director whose initial appointment shall be made by the governing authority. Subsequent appointment of the executive director shall be made by the board of elections. (Ga. Laws 1973, p. 2283, § 9)

**§ 1-98. ORDINARY AND BOARD OF REGISTRARS RELIEVED FROM POWERS AND DUTIES.**

Upon the effective date of this act, the ordinary and the board of registrars in such counties shall be relieved from all powers and duties to which the board of elections succeeds by the provisions of this act and they shall deliver thereafter to the chairman of the board, upon his written request, the custody of all equipment, supplies, materials, books, papers, records and facilities of every kind pertaining to such powers and duties. Also, at such time, the board of registrars in such counties shall be abolished. (Ga. Laws 1973, p. 2283, § 10)

**§ 1-99. CHAIRMAN.**

The chairman of the board of elections shall be the chief executive officer of the board of elections and shall generally supervise, direct and control the administration of the affairs of the board of elections pursuant to law and duly adopted resolutions of the board of elections. The board of elections shall fix and establish by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. (Ga. Laws 1973, p. 2283, § 11)

**§ 1-100. COMPENSATION.**

The compensation of the executive director, clerical assistants and other employees of the board shall be such as may be fixed by the governing authority. The members of the board of elections, not including the chairman, shall receive for each day of service the sum of \$10.00. The chairman shall receive the sum of \$20.00 for each day of service for the board. No member of the board shall receive pay for more than 60 days' service every two years, such period of time to be calculated from April 1, 1973, and for every two-year period thereafter. Such compensation shall be paid wholly from county funds. (Ga. Laws 1973, p. 2283, § 12)

**§ 1-101. OFFICES.**

The governing authority of the county shall provide the board with proper and suitable offices. (Ga. Laws 1973, p. 2283, § 13)

**§ 1-102. AUTHORITY TO CONTRACT.**

(a) The board of elections shall have the authority to contract with any municipality located within the county for the holding of any primary or election by the board to be conducted within the municipality.

(b) In all counties of this state having a population of not less than 183,000 and not more than 216,000 according to the United States decennial census of 1990 or any future such census, municipal elections in any municipality having a population in excess of 40,000 according to the United States decennial census of 1980 or any future such census and lying wholly within such counties shall be conducted by the county board of elections. With reference to any such election, such municipality shall pay the county all costs incurred in conducting such elections. (Ga. Laws 1973, p. 2283, § 4; Ga. Laws 1983, p. 402, § 1)

**§ 1-103. DEFINITIONS.**

The words *election*, *elector*, *political party*, *primary*, *public office*, *special election*, and *special primary*, shall have the same meaning ascribed to those words by code section 21-2-2 of the Code of Georgia, as amended, unless otherwise clearly apparent from the text of this act. (Ga. Laws 1973, p. 2283, § 15)

**§ 1-108. DEFINITIONS.**

As used in this act [division], the following terms have the following meanings:

(a) *Board*. The Richmond County Sheriff's Merit System Board created by this act [division].

(b) *Employee*. Any employee, except as provided in subsection (1) of this paragraph, of the sheriff of Richmond County, including but not limited to deputy sheriffs.

(1) *Employee* shall not include any member of the sheriff's department with the rank or position of chief deputy or above and shall not include the personal secretary of the sheriff.

(c) *Employer*. The sheriff of Richmond County. (Ga. Laws 1983, p. 4495, § 1)

**§ 1-109. CREATED.**

(a) There is created and established a merit system of employment and personnel administration for employees of the sheriff's department of Richmond County, which shall be governed by the Richmond County Sheriffs Merit System Board.

(b) All employees shall be placed under a merit system of employment and personnel administration. (Ga. Laws 1983, p. 4495, § 2)

## **§ 1-110. MEMBERSHIP OF BOARD.**

(a) The board shall be composed of seven members as follows:

(1) Three citizens of Richmond County who shall be appointed by the governing authority of Richmond County.

(2) Three citizens of Richmond County who shall be appointed by the members of the General Assembly who represent Richmond County.

(3) One citizen of Richmond County appointed by the governing authority of Richmond County from a list of three persons submitted by the members of the General Assembly who represent Richmond County. No person shall be appointed under this paragraph unless such person has at last four years' experience in personnel management or its equivalent.

(b) Initial members appointed by Richmond County shall be appointed for terms of one year, two years, and three years; and initial members appointed by the members of the General Assembly shall be appointed for terms of one year, two years, and three years. The initial member appointed by the governing authority from the list of three persons shall be appointed for a term of three years. Thereafter, members shall be appointed for terms of three years. No appointed member of the board shall hold any public office and no appointed member shall be a public employee. Five members of the board shall constitute a quorum for the purpose of conducting business.

(c) The member appointed by the governing authority from the list of three persons submitted by the members of the General Assembly shall be the initial chairman of the board and shall serve as chairman for a term of two years and until his successor is selected and qualified. Thereafter, the board shall, every two years, select a chairman from among its members who shall serve until his successor is selected and qualified.

(d) Vacancies on the board shall be filled in the same manner and by the same authority which appointed the member whose position has become vacant. The member so appointed shall serve for the unexpired term.

(e) Any member of the board who does not attend three consecutive meetings of the board shall be deemed to have vacated his position and the appointing authority shall fill such vacancy for the unexpired term. The board may excuse any absence, in which case no vacancy shall occur. (Ga. Laws 1983, p. 4495, § 3)

**§ 1-111. DUTIES, FUNCTIONS, RESPONSIBILITIES--GENERALLY; MEETINGS OF BOARD.**

It shall be the duty, function, and responsibility of the board to represent the interest of the public in the improvement of personnel administration as to those matters involving adverse action taken against a sheriff's department employee by the sheriff or the employee's supervisor. All meetings of the board shall be held in offices provided therefore by the governing authority of Richmond County. The governing authority of said county is authorized to provide necessary clerical assistance to the board and may use the employees of the personnel office of the governing authority of Richmond County to provide such assistance. Said board shall hold regular meetings at least once a month and may hold additional meetings as may be required for the proper discharge of its duties. (Ga. Laws 1983, p. 4495, § 4; Ga. Laws 1985, p. 4816, § 1)

**§ 1-112. JURISDICTION.**

All employees, as defined in this act [division], shall be subject to the full provisions of this act [division] and shall come under the jurisdiction of the board. (Ga. Laws 1983, p. 4495, § 5)

## **§ 1-113. SPECIFIC DUTIES, FUNCTIONS OF BOARD.**

The duties and functions of the board shall be as follows:

(a) To hold public hearings regarding proposed merit system policies and procedures and standards of the merit system and thereafter to adopt policies and procedures and standards effectuating the merit system established under this act [division]. Such policies and procedures shall include provisions as to demotion, separation, tenure, service rating, any disciplinary action that may be taken against the employee by the sheriff or any of the employee's supervisors, and such additional policies and procedures as may be deemed to be in the best interest of orderly appeals and hearings on these matters. Such policies and procedures shall prohibit political activity by any employee covered by the merit system or the board. Said policies and procedures when proposed by the board as aforesaid and approved and adopted by the board shall be binding upon all employers and employees.

(b) To conduct hearings and render decisions on charges preferred against employees of the sheriff's department included in said merit system and to hear appeals from any employee who claims to have been improperly dismissed.

(c) The board shall keep and maintain an accurate record of minutes, and the governing authority of Richmond County shall provide clerical assistance to maintain such records.

(d) Said board shall be authorized to make amendments, additions to, and changes in said policies and procedures from time to time; and, when said amendments, changes, or additions are adopted, said amendments shall be binding on all parties affected by said merit system.

(e) The authority and jurisdiction of the board shall be limited to those areas enumerated in subsection (a) of this section and shall not extend to matters relating to hiring; appointment; promotion; transfer; compensation; workers' compensation; insurance; pension and retirement plans and benefits; sick leave; vacation; leaves of absence; military leaves; regulations of the sheriff pertaining to firearms, uniforms, officers-in-charge, preventive maintenance, safe driving techniques and duty requirements; and holidays for employees.

(f) The authority and jurisdiction of the board shall not extend to any matter relating to law enforcement duties or other duties which the sheriff is required by law to perform. (Ga. Laws 1983, p. 4495, § 6; Ga. Laws 1985, p. 4816, §§ 2, 3)

**§ 1-114. DISMISSAL OF EMPLOYEES; RIGHT OF APPEAL.**

No employee who has been brought under the merit system pursuant to this act [division] may be dismissed from employment except for good cause and in accordance with policies and procedures of the board. Any employee who is dismissed shall have the right of appeal pursuant to the terms of the policies and procedures prescribed for appeal by the board. Such appeal shall be heard at the next regular or special meeting of the board after it is filed and must be heard and determined by the board within 45 days of the date said appeal is filed with the board; however, such dismissed employee must file his appeal with the board in writing within 10 days from the date of his dismissal and provided that this provision shall not apply to persons dismissed from employment due to curtailment in funds, reduction in staff, or abolition of the job held by such employee. The decision of the board shall be binding upon the employer as to whether such dismissal was for proper cause. (Ga. Laws 1983, p. 4495, § 7)

**§ 1-115. REVIEW OF BOARD ACTIONS.**

Any final action of the board, including promulgating policies and procedures and changes thereto and rendering decisions on review and appeal of actions by employers and employees under such policies and procedures, shall, within five days of such action, be submitted to the employer for review. If within five days of receipt, the employer does not object in writing to such action, such action shall become of full force and effect and shall be binding on the employer and employee. If the employer files a written objection to such action with the board within five days, such action shall have no force and effect unless the board overrides such written objection by an affirmative vote of five members of the board, in which case such action shall become of full force and effect and shall be binding on the employer and employee. (Ga. Laws, 1983, p. 4495, § 8)

**§ 1-116. COSTS, EXPENSES, SUPPLIES BORNE BY COUNTY.**

All costs, expenses, and supplies for the establishment and operation of the merit system and the board shall be borne by the county and paid out of county funds as a cost of administration. The members shall receive \$20.00 for each meeting of the board they actually attend not to exceed two meetings during any calendar month. (Ga. Laws, 1983, p. 4495, § 9; Ga. Laws 1989, Act No. 147, § 1)

**§ 1-117. REDUCTION IN RANK OF CHIEF DEPUTY.**

Notwithstanding the fact that individuals with the rank or position of chief deputy or above are not covered by the Richmond County Sheriff's Merit System Board, no sheriff shall reduce any chief deputy below the rank of lieutenant except for good and justifiable cause. (Ga. Laws 1983, p. 4495, § 10)

**§ 1-118. OFFICE ABOLISHED.**

The office of county treasurer in Richmond County is abolished. (Ga. Laws 1983, p. 3863, § 1)

**§ 1-119. COUNTY TREASURER EMERITUS--QUALIFICATIONS.**

The county treasurer in Richmond County who shall be serving in the capacity of county treasurer at the time such office is abolished and who shall have at least 10 years of service as county treasurer in Richmond County and shall have attained the age of 65 shall be eligible to be county treasurer emeritus by presenting his evidence of his eligibility to the governing authority of Richmond County. At that time he shall be county treasurer emeritus. (Ga. Laws 1983, p. 3863, § 2)

**§ 1-120. SAME--PROHIBITED FROM HOLDING COMPENSATING POSITION WITH STATE, COUNTY OR CITY, ETC.**

The county treasurer emeritus shall not hold any compensating position with any state, county, or city, or agencies of any, except upon taking leave of absence as such county treasurer emeritus, and forever waiving and relinquishing compensation during and for such leave of absence. (Ga. Laws 1983, p. 3863, § 3)

**§ 1-121. SAME--FINANCIAL CONSULTANT.**

The county treasurer emeritus shall be qualified to serve as a consultant to the governing authority of Richmond County on financing matters when called upon by the governing authority of Richmond County. (Ga. Laws 1983, p, 3863, § 4)

**§ 1-122. SAME--COMPENSATION; DEATH BENEFITS TO WIDOW.**

The county treasurer emeritus shall be entitled to receive, and shall receive, \$500.00 per month, to be paid monthly out of the treasury of the county, by the person or persons charged by law with paying out the money of the county. Upon the death of the county treasurer emeritus, if he is survived by his wife, she shall be entitled to receive and shall receive \$250.00 per month as long as she lives. (Ga. Laws 1983, p. 3863, § 5)

## CONFLICTS OF INTEREST IN ZONING ACTIONS

### § 1-126. DEFINITIONS.

(a) *Applicant*. Any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

(b) *Business entity*. Any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

(c) *Campaign contribution*. A contribution as defined in paragraph (6) of Code Section 21-5-3.

(d) *Financial interest*. All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.

(e) *Local government*. Any county or municipality of this state.

(f) *Member of the family*. The spouse, mother, father, brother, sister, son, or daughter of a local government official.

(g) *Opponent*. Any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.

(h) *Oppose*. To appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against a rezoning action.

(i) *Person*. An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

(j) *Property interest*. The direct ownership of real property and includes any percentage of ownership less than total ownership.

(k) *Real property*. Any tract or parcel of land and, if developed, any buildings or structures located on the land.

(l) *Rezoning action*. Action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another. (Code 1981, § 36-67A-1, enacted by Ga. Laws 1986, p. 1269, § 1; Ga. Laws 1991, p. 1365, § 1.)

**§ 1-127. DISCLOSURE OF FINANCIAL INTERESTS.**

A local government official who knew or reasonably should have known he or she:

(a) Has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;

(b) Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider; or

(c) Has a member of the family having any interest described in paragraph (a) or (b) of this Code section shall immediately disclose the nature and extent of such interest, in writing, to the governing authority of the local government in which the local government official is a member. The local government official who has an interest as defined in paragraph (a) or (b) of this Code section shall disqualify himself from voting on the rezoning action. The disqualified local government official shall not take any other action on behalf of himself or an other person to influence action on the application for rezoning. The disclosures provided for in this Code section shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, § 36-67A-2, enacted by Ga. Laws 1986, p. 1269, § 1; Ga. Laws 1991, p. 1365, § 1.)

**§ 1-128. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS.**

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government to which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of the Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application. (Code 1981, § 36-67A-3, enacted by Ga. Laws 1986, p. 1269, § 1; Ga. Laws 1991, p. 1365, § 1; Ga. Laws 1993, p. 91, § 36.)

**§ 1-129. PENALTIES.**

Any person knowingly failing to comply with the requirements of this chapter or violating the provisions of this chapter shall be guilty of a misdemeanor. (Code 1981, § 36-67A-4, enacted by Ga. Laws 1986, p. 1269, § 1; Ga. Laws 1987, p. 3, § 36; Ga. Laws 1991, p. 1365, § 1.)

**§ 1-130. APPOINTMENT OF DISINTERESTED SPECIAL MASTER IF GOVERNING AUTHORITY UNABLE TO ATTAIN A QUORUM.**

(a) Where one or more disqualifications required by this chapter result in the inability of the governing authority of the county or municipality to attain a quorum for the purpose of making a final decision when considering a rezoning action, the governing authority immediately shall petition the superior court wherein the property which is the subject of the rezoning is located for appointment of a disinterested special master for the purpose of hearing evidence regarding the proposed rezoning action and making a recommendation to the petitioning governing authority. The court, in its order appointing the special master, shall give such directions for notice and the service thereof as well as for the time in which a hearing must be held and recommendations issued as are just and appropriate under the circumstances and as are consistent with this chapter.

(b) The disinterested special master provided for in this Code section shall be appointed by the judge or judges of the superior courts of each judicial circuit and shall discharge the duties provided for in this Code section. The special master so appointed must be a competent attorney at law, be of good standing in his profession, and have at least three years' experience in the practice of law. He shall hold office at the pleasure of the judge and shall be removable at any time with or without cause. The court, in its order appointing the special master, shall designate the person or entity responsible for compensating the special master at a rate not less than \$50.00 per day nor more than \$250.00 per day for the time actually devoted to the hearing and consideration of the matter.

(c) The special master shall consider any factors relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property.

(d) The hearing provided for in this Code section and all records pertinent thereto shall be open and available to the public.

(e) Nothing contained in this Code section shall be construed as a delegation of the final decision-making powers of the governing authority to the special master and the recommendation of the special master is not a final decision as to the rezoning action. Where a special master has been appointed and has made a recommendation, the disqualification requirement of Code Section 36-67A-2 shall be waived. (Code 1981, § 36-67A-5, enacted by Ga. Laws 1991, p. 1365, § 1.)

**§ 1-131. VOTING ON ZONING DECISION IF ORDINANCE BEING ADOPTED FOR FIRST TIME OR ORDINANCE BEING REVISED PURSUANT TO COMPREHENSIVE PLAN.**

Nothing in this chapter shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title. (Code 1981, § 36-67A-6, enacted by Ga. Laws 1991, p. 1365, § 1.)

## **1-135. AUTHORITY OF GENERAL ASSEMBLY TO CONSOLIDATE GOVERNMENTS.**

(a) Any other provision of this constitution notwithstanding, the general assembly shall have power, by local act or acts, to create, designate, vest powers and duties, set terms and compensation, establish other and different municipal, county or combined governments, governing authorities, political subdivisions, public agencies, courts, offices, officers, boards, bureaus, departments, commissions, and authorities within the limits of Richmond County; to abolish municipal, county or combined governments, governing authorities, political subdivisions, public agencies, courts, offices, officers, boards, bureaus, and authorities now or hereafter existing within the limits of Richmond County; to create, transfer or combine and consolidate any or all of the several powers, authorities, duties, liabilities and functions, which now or hereafter by the Constitution of Georgia or by other provisions of law, may be vested in any municipal or county or combined government, governing authority, political subdivision, public agency, court, office, officer, board, bureau, department, commission or authority now or hereafter existing within the limits of Richmond County; to create two or more taxing districts within the limits of Richmond County so as to permit different rates of taxation where services rendered in such districts vary; to authorize the transfer of government property to any combined or consolidated government; to provide for the preservation of all existing civil service pension and retirement rights, to provide for the assumption of obligations including any bonded indebtedness and any indebtedness under the Georgia Revenue Bond Law outstanding against any existing government, governing authority, political subdivision or public agency within Richmond County by any appropriate successor; and to provide for methods and procedures to effectuate the same.

Provided however, nothing herein contained shall be construed as authorizing the general assembly to:

- (1) Abolish any state or county court or the office of sheriff of Richmond County; or
- (2) Alter the status of the Richmond County Board of Education or any constitutional provision by which any such named agency was authorized or preserved.
- (3) Impair or diminish any civil service pension and retirement rights existing at the time of the ratification of this amendment.
- (4) Impair or diminish any homestead or other exemptions from taxation now or hereafter specified in this constitution.

Provided, however, that none of the foregoing limitations applicable to the designated courts, offices, officers, boards and commissions which are presently serving the entire area shall be construed as prohibiting the general assembly from adding to or increasing the functions of the public offices, officers or agencies herein next above described, nor from merging the functions and jurisdiction of municipal courts and state courts nor from exercising any legislative control with respect thereto which existed prior to the adoption of this paragraph.

Provided, further, that any new combined or consolidated government shall continue to be eligible to have, hold, enjoy and be entitled to any assistance, credits, benefits, monies, grants, grants in aid, funds, loans, aid, appropriations and matching funds to the same extent that any municipality or county of the State of Georgia now or may hereafter enjoy or possess under the Constitution and laws of the State of Georgia or by other provisions of law or under any present or future state or federal programs.

(b) The general assembly, in enacting legislation under this authority, shall make the effectiveness thereof contingent upon its approval by a majority of the qualified voters of Richmond County who are affected thereby who vote at public referenda to be held as shall in such legislation be prescribed. The powers herein granted to the general assembly:

- (1) Are remedial and shall be liberally construed to effectuate their purpose.
- (2) May be exercised by it notwithstanding any other provision of this constitution or of law.
- (3) Shall not be exhausted by their initial exercise, but may be exercised from time to time as said general assembly may determine.
- (4) Are cumulative of all other powers not held by the general assembly, and are not in lieu thereof. (Ga. Laws 1968, p. 1787, § 1; Ga. Laws 1974, p. 1814, § 1)

**§ 1-136. CITY-COUNTY AGREEMENTS UNDER CONSTITUTIONAL AMENDMENT.**

Pursuant to provisions of the preceding paragraphs (a) and (b), the city council of Augusta and Richmond County, Georgia, acting by and through their respective governing bodies are hereby authorized to enter into lease contracts and other agreements with each other and with individuals, private firms and corporations and with the Augusta-Richmond County Building Authority so as to acquire the use of buildings and related facilities for their respective governmental, proprietary and administrative functions and obligate said city and county to pay for the use of same from monies received from taxes and from any other source. Such contracts and agreements may be entered into upon the assent of a majority of the qualified voters of the city council of Augusta and Richmond County, respectively, voting in an election for that purpose to be held as prescribed by law, and if so authorized same shall not create a debt of the respective subdivisions within the meaning of article VII, section VI, paragraph I of this constitution.

The rights and powers herein conferred upon the city council of Augusta and Richmond County and their respective governing bodies are self-executing and no enabling act of the general assembly shall be necessary and are hereby made cumulative of and in addition to such other rights and powers as they may now or hereafter have under the constitution or laws of this state. (Ga. Laws 1952, p. 576)

**§ 1-137. SHORT TITLE.**

This may be cited as the *Augusta-Richmond County Coliseum Authority Act*. (Ga. Laws 1973, p. 3042, § 1.)

## **§ 1-138. PURPOSE OF AUTHORITY.**

Without limiting the generality of any provisions of this act, the general purpose of the Authority is declared to be that of acquiring, constructing, equipping, maintaining and operating one or more projects consisting of multi-use coliseum and civic center type facilities to be used for athletic contests, games, meetings, trade fairs, expositions, political conventions, agricultural events, theatrical and musical performances, conventions and other public entertainments, and the usual facilities related thereto, including, without limitation, refreshment stands and restaurants, and facilities for the purveying of foods, beverages, publications, souvenirs, novelties, and goods of all kinds, whether operated or purveyed directly or indirectly through concessions, licenses, leases or otherwise, parking facilities or parking areas in connection therewith; for acquiring, constructing, equipping, maintaining and operating recreational centers and areas including, but not limited to, gymnasium and athletic facilities and related buildings, and the usual and convenient facilities appertaining to such undertakings; the extension and improvements of such facilities; acquiring the necessary property therefor, both real and personal, with the right to contract for the use of, or to lease or sell any or all of such facilities, including real property, and to do any and all things deemed by the Authority necessary, convenient and desirable for and incident to the efficient and proper development and operation of such types of undertakings. (Ga. Laws 1974, p. 3207.)

**§ 1-139. CREATION; COMPOSITION; APPOINTMENT, TERM AND COMPENSATION OF MEMBERS; OFFICERS; VACANCIES; CHAIRMAN'S VOTE; RULES AND REGULATIONS; EXISTENCE.**

(a) *Augusta-Richmond County Coliseum Authority*. There is created a body corporate and politic to be known as the Augusta-Richmond County Coliseum Authority, and which shall be deemed to be a political subdivision of the State of Georgia and a public corporation and by that name, style and title said body may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity. The Authority shall consist of twelve members, to be appointed as follows:

(1) The board of commissioners of Richmond County shall appoint four members. Two members shall be appointed for initial terms of two years and subsequent terms of three years. Two members shall be appointed for initial terms of four years and subsequent terms of three years;

(2) The governing authority of the City of Augusta shall appoint four members. Two members shall be appointed for initial terms of two years and subsequent terms of three years. Two members shall be appointed for initial terms of four years and subsequent terms of three years; and

(3) The members of the General Assembly representing all or a portion of Richmond County shall appoint four members. Two members shall be appointed for initial terms of two years and subsequent terms of three years. Two members shall be appointed for initial terms of four years and subsequent terms of three years.

The initial members shall be appointed for terms of office as specified in paragraphs (1), (2), and (3) of this subsection, commencing on April 1, 1993, and shall serve until their successors are appointed and qualified. All successors to the initial members shall be appointed for terms of office of three years and shall serve until their successors are appointed and qualified. No member shall be authorized to serve more than two consecutive terms of office. The members in office on January 1, 1993, shall not serve until the regular expiration of the terms to which such members were appointed and the terms of such members shall expire on March 31, 1993. All members of the Authority shall be residents of the area governed by the governing body which shall appoint them.

(b) Immediately after their appointment the members of the Authority shall enter upon their duties. They shall elect one of their number as chairman, another as vice chairman, and may also elect a secretary and/or treasurer, who need not necessarily be a member of the Authority.

(c) The chairman and vice chairman, secretary and treasurer shall serve for a period of one year and until their successors are appointed and qualified. Seven members of the Authority shall constitute a quorum. The vice chairman shall have voting power on all committees of the Authority during his term as vice chairman.

(d) In the event of a vacancy by reason of death, disqualification, resignation, or other reason, the governing body which appointed such members shall appoint a person meeting the qualifications above set out for membership to serve the remainder of the term of such member.

(e) No vacancy on the Authority shall impair the right of the quorum to exercise all their rights and to perform all of the duties of the Authority.

(f) The chairman of the Authority shall not be entitled to vote upon any issue, motion or resolution, except in the case of a tie vote of the other members voting on said motion, resolution or question.

(g) The Authority shall make rules and regulations for its own government. It shall have perpetual existence.

(h) The members of the Authority shall serve without compensation provided that all members shall be reimbursed for this actual expenses necessarily incurred in the performance of their duties.

(i) The governing authority of the City of Augusta, the governing authority of Richmond County, and the members of the General Assembly representing all or a portion of Richmond County shall be furnished by the Authority with a quarterly financial report which shall include separate itemizations for tax revenue, revenue generated from performances, financial projections for the next two years, and any major renovation or upkeep project exceeding \$10,000.00.

(j) The Authority shall only hire a general manager to perform such duties as shall be specified by the Authority on the basis of a two-year contract. The performance of the general manager shall be reviewed annually and the general manager's salary shall be a fixed figure on an annual basis.

(k) The Authority shall make any rules and regulations it deems necessary as to the issuance of discounted tickets for use by nonprofit organizations as defined in Section 501(c) of the Internal Revenue Code, as amended. (Ga. Laws 1973, p. 3042, sec. 2; Ga. Laws 1977 p. 3300; Ga. Laws 1993 p. 4087, §§ 1-3)

## § 1-140. DEFINITIONS.

As used in this act, the following words or terms shall have the following meanings:

(a) *Authority*. The Augusta-Richmond County Coliseum Authority created by this act.

(b) *Project*. The acquisition, construction, equipping, maintenance and operation of multi-use coliseum and civic center type facilities to be used for athletic contests, games, meetings, trade fairs, expositions, political conventions, agricultural events, theatrical and musical performances, conventions and other public entertainments, and the usual facilities related thereto, including, without limitation, refreshment stands and restaurants, and facilities for the purveying of foods, beverages, publications, souvenirs, novelties and goods of all kinds, whether operated or purveyed directly, or indirectly through concessions, licenses, leases or otherwise, parking facilities or parking areas in connection therewith, recreational centers and areas including, but not limited to, gymnasium and athletic facilities and related buildings, and the usual and convenient facilities appertaining to such undertakings and the extension and improvements of such facilities, acquiring the necessary property therefor, both real and personal, and the lease, sale and licensing of any part or all of such facilities, including real and personal property, to any persons, firms or corporations whether public or private so as to assure the efficient and proper development, maintenance and operation of such facilities and areas, deemed by the Authority to be necessary, convenient or desirable. The Authority shall have the right to acquire and construct more than one project and any combination of facilities may be constructed as a separate project.

(c) *Cost of the project* shall embrace the cost of construction, the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and for one year after completion of construction, cost of engineering, architectural and legal expenses and of plans and specifications, and other expenses necessary or incident to the financing herein authorized, or the construction of any project, the placing of the same in operation, and the condemnation of property necessary for such construction and operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under the provisions of this act for such project.

(d) *Revenue bonds, bonds and obligations*. Revenue bonds as defined and provided for in the revenue bond laws of Georgia, amending the law formerly known as the revenue certificate law of 1937, as amended, and such type of obligations may be issued by the Authority as authorized under said revenue bond law and in addition, shall also mean obligations of the Authority, the issuance of which are hereinafter specifically provided for in this act.

(e) Any project shall be deemed *self-liquidating* if in the judgment of the Authority, the revenues and earnings to be derived by the Authority therefrom and all properties used, leased and sold in connection therewith will be sufficient to pay the principal and interest of the revenue bonds which may be issued to finance, in whole or in part, the cost of such project or projects. (Ga. Laws 1973, p.3042, § 3; Ga. Laws 1974, p.3207.)

## § 1-141. POWERS--GENERALLY.

(a) The Authority shall have powers:

(1) To have a seal and alter the same at its pleasure;

(2) To accept gifts, grants and donations;

(3) To acquire by purchase, lease or otherwise, and to hold, lease and dispose of, real and personal property, of every kind and character for its corporate purposes;

(4) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or rights of easements therein, or franchises necessary or convenient for its corporate purposes, and to use the name so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the Authority, the Authority being under no obligation to accept and pay for any property condemned under this act except from the funds provided under the authority of this act, and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action or proceedings as may be just to the Authority and to the owners of the property to be condemned, and no property shall be acquired under the provisions of this act upon which any lien or encumbrance exists, unless at the time such property is so acquired a sufficient sum of money be deposited in trust to pay and redeem the fair value of such lien or encumbrance; and if the Authority shall deem it expedient to construct any project on any other lands the title to which shall then be in the State of Georgia, the governor is hereby authorized to convey, for and in behalf of the state, title to such lands to the Authority upon payment to the state treasurer for the credit of the general fund of the state, the reasonable value of such lands, such value to be determined by three appraisers to be agreed upon by the governor and the chairman of the Authority;

(5) To appoint, select and employ officers, agents and employees, including engineering, architectural and construction experts, fiscal agents and attorneys and fix their respective compensation;

(6) To make contracts and leases, and to execute all instruments necessary or convenient, with any and all persons, firms and corporations and any city, town, municipality, consolidated government, county or other political subdivision, or departments, institutions or agencies of this state including contracts for construction of any project and leasing of any project and contracts with respect to the use and management of any project and any and all persons, firms and corporations and any city, town, municipality, consolidated government, county or other political subdivision, department, institution or agency of this state is hereby authorized to enter into contracts, leases or agreements with the Authority upon such terms and for such purposes as they deem advisable; and any such project shall be for the development and promotion in this state of the cultural growth, public welfare, education and recreation of the people of this state and accordingly all such projects shall, and hereby are declared to be, public buildings to be

used for public purposes; and without limiting the generality of the foregoing, authority, right and power is hereby specifically granted to any such city, town, municipality, county or consolidated government to enter into and make contracts, lease agreements and other undertakings with the Authority with respect to the furnishing of services and facilities by the Authority and for the payments of rents, fees and charges for the use by such cities, towns, municipalities or consolidated governments or the residents thereof of any project; and the rentals contracted to be paid by the lessees or tenants to the Authority under any such contracts or leases entered into pursuant to the provisions of this act shall constitute general obligations of any such city, town, municipality, county or consolidated government for the payment of which the full faith and credit of such city, town, municipality, county or consolidated government shall be and the same hereby is pledged to provide the funds required to fulfill all obligations arising under any such contract or lease; and any such city, town, municipality, county or consolidated government which shall have entered into such a contract or lease pursuant to the provisions of this act shall annually in each and every fiscal year during the term of such contract or lease include in a general revenue or appropriation measure, within any millage limitations of its power of taxation and whether or not any other items are included, sums sufficient to satisfy the payments required to be made in each year by such contract or lease until all payments required under such contract or lease have been paid in full, and such contract or lease payments shall constitute a first charge on all such sums so appropriated, and such sums shall be and hereby are unconditionally obligated to the payment of such contracts or leases; provided, however, that such payments shall not impair existing obligations of such city, town, municipality, county or consolidated government. In the event for any reason any such provision or appropriation is not made, then the fiscal officers of such city, town, municipality, county or consolidated government are hereby authorized and directed to set up as an appropriation on their accounts in each fiscal year the amounts required to pay the obligations called for under any such contract or lease. The amount of the appropriation in each fiscal year to meet the obligations of such contract or lease as authorized and required hereby shall be due and payable and shall be expended for the purpose of paying and meeting the obligations provided under the terms and conditions of such contract or lease, and such appropriation shall have the same legal status as if the contracting city, town, municipality, county or consolidated government had included the amount of the appropriation in its general revenue or appropriation measure, and such fiscal officers shall make such payment to the Authority if for any reason such appropriation is not otherwise made; and any such city, town, municipality, county or consolidated government may obligate itself and its successors under any such contract or lease to use only such structures, buildings, or facilities constituting such project and none other;

(7) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate and manage projects, as hereinabove defined, the cost of any such project to be paid in whole or in part from the proceeds of revenue bonds of the Authority or from such proceeds and any grant from the United States of America or any agency or instrumentality thereof;

(8) To accept loans and/or grants of money, materials, or property of any kind from the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may require;

(9) To borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof;

(10) To establish charges, rates and regulations for users of the facilities and services of the Authority;

(11) To do all things which municipalities are empowered to do under the provisions of the Revenue Bond Law of Georgia, approved March 31, 1937, as amended, codified in Georgia Code Annotated, chapter 36-82, subject to any limitations herein contained; and

(12) To do all things necessary or convenient to carry out the powers expressly given in this act.

(b) The Authority, in considering whether a contracting party for a project is responsible, may consider the contracting party's quality of work, general reputation in the community, financial responsibility, previous employment on public works, and compliance with a minority business enterprise participation plan or making a good faith effort to comply with the goals of such a plan. The members of the Authority shall notify annually their respective appointing bodies of efforts to comply with the goals of such a plan.

(c) It shall be unlawful for any elected public official for himself or herself or on behalf of any business or for any business in which such official has a substantial interest to transact any business with the Authority. Nothing in this section shall be construed to prohibit any member of an elected official's family from transacting business with the Authority. (Ga. Laws 1973, p. 3042, § 4; Ga. Laws 1975, p. 4681, §§ 1, 2; Ga. Laws 1993, p. 4087, §§ 4, 5)

**§ 1-142. SALE OF MALT BEVERAGES.**

(a) As used in this section:

(1) *Coliseum authority* means any public coliseum authority created by law in any county of the state having a population of not less than 145,000 and not more than 165,000, according to the United States decennial census of 1970 or any future such census.

(2) *Coliseum* means any multi-use coliseum-type facility having a seating capacity of nine thousand or more and which is a project of the coliseum authority, together with related buildings, facilities, and extensions of the project.

(b) Any coliseum authority presently or hereafter operating a coliseum may sell malt beverages at retail as an incident to the operation of the coliseum. Such sales may be made during all hours during which such sales are lawful in the state including, but not limited to, between the hours of 12:30 p.m. and 12 o'clock midnight on Sundays.

(c) For the purposes of regulating and taxing the sale, storage and distribution of malt beverages as provided in this section, the coliseum shall be considered to be within a municipality if the coliseum, or the greater part of the coliseum, is within the limits of the municipality. The coliseum shall be considered to be within the unincorporated area of the county if the coliseum, or the greater part of the coliseum, is located within the unincorporated part of the county. (Ga. Laws 1979, p. 349, § 1)

## **§ 1-143 AUTHORIZATION TO ISSUE.**

The authority, or any authority or body which has or which may in the future succeed to the powers, duties and liabilities vested in the authority created hereby, shall have power and is hereby authorized to provide by resolution for the issuance of negotiable revenue bonds of the authority, for the purpose paying all or any part of the cost as herein defined of any one or more projects. The principal and interest of such revenue bonds shall be payable solely from the special fund herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates per annum, payable at such time or times not exceeding forty years as may hereafter be authorized by the bonding laws of the State of Georgia, shall be payable in such medium of payment as to both principal and interest as may be determined by the authority and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority in the resolution providing for the issuance of bonds. (Ga. Laws 1973, p. 3042, § 5.)

**§ 1-144. FORM; DENOMINATIONS; REGISTRATION; PLACE OF PAYMENT.**

The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the state. The bonds may be issued in coupon or registered form, or both, as the authority may determine. Provisions may be made for the registration of any coupon bond as to principal alone and also as to both the principal and interest. (Ga. Laws 1973, p. 3042, § 6.)

**§ 1-145. SIGNATURES; SEAL.**

In case any officer whose signature shall appear on any bonds, or whose facsimile signature shall appear on any coupon, shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. All such bonds shall be signed by the chairman of the authority and the official seal of the authority shall be affixed thereto and attested by the secretary of the authority and any coupons attached thereto shall bear the facsimile signature of the chairman of the authority. Any coupon may bear the facsimile signature of such persons and any bond may be signed, sealed and attested on behalf of the authority by such persons as at the actual time of the execution of such bonds shall be duly authorized or hold the proper office, although at the date of such bonds such persons may not have been so authorized or shall not have held such office. (Ga. Laws 1973, p. 3042, § 7.)

**§ 1-146. NEGOTIABILITY; EXEMPTION FROM TAXATION.**

All revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the laws of this state. Such bonds are declared to be issued for an essential public and governmental purpose and the said bonds and the income thereof shall be exempt from all taxation within the state. (Ga. Laws 1973, p. 3042, § 8.)

**§ 1-147. SALE; PRICE.**

The authority may sell such bonds in such manner and for such price as it may determine to be for the best interests of the authority. (Ga. Laws 1973, p. 3042, § 9.)

**§ 1-148. USE OF PROCEEDS OF BONDS.**

The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects, and unless otherwise provided in the resolution authorizing the issuance of the bonds, or in the trust indenture, additional bonds may in like manner be issued, to provide the amount of any deficit, which, unless otherwise provided in the resolution authorizing the issuance of the bonds, or in the trust indenture, shall be deemed to be of the same, and shall be entitled to payment from the same fund, without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be paid into the funds, hereinafter provided, for the payment of principal and interest of such bonds. (Ga. Laws 1973, p.3042, § 10.)

**§ 1-149. INTERIM RECEIPTS AND CERTIFICATES OR TEMPORARY BONDS.**

Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts, interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. (Ga. Laws 1973, p. 3042, § 11.)

**§ 1-150. REPLACEMENT OF LOST OR MUTILATED BONDS.**

The authority may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.  
(Ga. Laws 1973, p. 3042, § 12.)

**§ 1-151. ISSUANCE.**

Such revenue bonds may be issued without any other proceedings, or the happening of any conditions or things other than those proceedings, conditions and things which are specified or required by this act. In the discretion of the authority, revenue bonds of a single issue may be issued for the purpose of any particular project. Any resolution, providing for the issuance of revenue bonds under the provisions of this act shall become effective immediately upon its passage and need not be published or posted, and any such resolution may be passed at any regular or special or adjourned meeting of the authority by a majority of its members. (Ga. Laws 1973, p. 3042, § 13.)

**§ 1-152. PAYMENT OF OBLIGATION--STATE, COUNTY OR CITY NOT OBLIGATED TO LEVY TAX OR MAKE APPROPRIATION.**

Revenue bonds issued under the provisions of this act shall be deemed to constitute a debt of the State of Georgia, County of Richmond or the City of Augusta or a pledge of the faith and credit of said state, county, or city, but such bonds shall be payable solely from the funds hereinafter provided for, and the issuance of such revenue bonds shall not directly, indirectly or contingently, obligate the said state, county or city to levy or to pledge any form of taxation whatever therefor, or to make any appropriation for the payment, and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this section. (Ga. Laws 1973, p. 3042, § 14.)

### **1-153. SAME--TRUST INDENTURE AS SECURITY.**

In the discretion of the authority, any issuance of such revenue bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state. Such trust indenture may pledge or assign fees, tolls, revenues and earnings to be received by the authority. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair and insurance of the project and the custody, safeguarding and application of all monies, and may also provide that any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the authority, and satisfactory to the original purchasers of the bonds issued therefor, and may also require that the security given by contractors and by any depository of the proceeds of the bonds or revenues or other monies be satisfactory to such purchasers, and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or pledge such securities as may be required by the authority. Such indenture may set forth the rights and remedies of the bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the project affected by such indenture. (Ga. Laws 1973, p. 3042, § 15.)

**§ 1-154. SAME--TO WHOM PROCEEDS OF BOND SALE PAID.**

The authority shall, in the resolution providing for the issuance of revenue bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds to any officer or person, who, or any agency, bank or trust company which shall act as trustee of such funds and shall hold and apply the same to the purposes hereof, subject to such regulations as this act and such resolution or trust indenture may provide. (Ga. Laws 1973, p. 3042, § 16.)

## **§ 1-155. SAME--SINKING FUND.**

The revenues, fees, tolls and earnings derived from any particular project or projects, regardless of whether or not such fees, earnings and revenues were produced by a particular project for which bonds have been issued, unless otherwise pledged and allocated, may be pledged and allocated by the authority to the payment of the principal and interest on revenue bonds of the authority as the resolution authorizing the issuance of the bonds or in the trust instrument may provide, and such funds so pledged, for whatever source received, which said pledge may include funds received from one or more or all sources, shall be set aside at regular intervals as may be provided in the resolution or trust indenture, into a sinking fund which said sinking fund shall be pledged to and charged with the payment of (1) the interest upon such revenue bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest and (4) any premium upon bonds retired by call or purchase as hereinabove provided. The use and disposition of such sinking funds shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all revenue bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or in the trust indenture, surplus monies in the sinking fund may be applied to the purchase or redemption of bonds and any such bonds so purchased or redeemed shall forthwith be canceled and shall not again be issued. (Ga. Laws 1973, p. 3042, § 17.)

## **§ 1-156. REMEDIES OF BONDHOLDERS.**

Any holder of revenue bonds issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia, or granted hereunder, or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture, to be performed by the authority, or any officer thereof, including the fixing, charging, and collecting of revenues, fees, tolls, and other charges for the use of the facilities and services furnished. (Ga. Laws 1973, p. 3042, § 18.)

**§ 1-157. REFUNDING BONDS.**

The authority is hereby authorized to provide by resolution for the issuance of bonds of the authority for the purpose of funding or refunding any revenue bonds issued under the provisions of this act and then outstanding, together with accrued interest thereon. The issuance of such funding or refunding bonds, the maturities and all other details thereof, the rights of the holders thereof and the duties of the authority in respect to the same, shall be governed by the foregoing provisions of this act insofar as the same may be applicable. (Ga. Laws 1973, p. 3042, § 19.)

## **§ 1-158. TAX EXEMPTIONS.**

It is hereby found, determined and declared that the creation of the authority and the carrying out of its corporate purpose is in all respects for the benefit of the people of this state, and that the authority is an institution of purely public charity and will be performing an essential governmental function in the exercise of the power conferred upon it by this act, and this state covenants with the holders of the bonds that the authority shall not be required to pay any taxes or assessments upon any of the property acquired or leased by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation or maintenance of the projects erected by it or any fees, tolls or other charges for the use of such projects or other income received by the authority, and that the bonds of the authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the state. The exemption from taxation herein provided shall not extend to tenants nor lessees of the authority. The authority shall be exempt from sale and use taxes on sales to the authority when paid for directly by the authority. (Ga. Laws 1973, p. 3042, § 20; Ga. Laws 1978, p. 4673)

**§ 1-159. VENUE AND JURISDICTION.**

Any action to protect or enforce any rights under the provisions of this act or any suit or action against such authority shall be brought in the Superior Court of Richmond County, Georgia, and any action pertaining to validation of any bonds issued under the provisions of this act shall likewise be brought in said court which shall have exclusive, original jurisdiction of such actions. (Ga. Laws 1973, p. 3042, § 21)

## **§ 1-160. VALIDATION OF BONDS.**

(a) All bonds of the authority shall be confirmed and validated in the Richmond County Superior Court in accordance with the procedure of the Revenue Bond Law of Georgia, approved March 31, 1937, as amended, codified in Georgia Code Annotated, chapter 36-82. The petition of validation shall be brought against said authority and, in the event the payments to be made by any city, town, municipality, county or consolidated government under a contract or lease entered into between the authority and such political subdivision are pledged as security for the payment of revenue bonds sought to be validated, such political subdivision or subdivisions shall also be made parties defendant, and the defendants shall be required to show cause, if any exists, why such contract or lease or contracts or leases and the terms and conditions thereof should not be adjudicated to be in all respects valid and binding upon such subdivision or subdivisions. It shall be incumbent upon such subdivision or subdivisions to defend against adjudication of the validity and binding effect of such contract or lease or contracts or leases or be forever bound thereby. Notice of such proceedings shall be included in the notice of the validation hearing required to be issued and published by the clerk of the Superior Court of Richmond County in which court such validation proceeding shall be initiated. Any resident of the State of Georgia may intervene in the validation proceedings at or before the time set for the validation hearing and may assert any ground of objection to the validity and binding effect of such bonds and the security therefor and of such contract or lease or contracts or leases on his own behalf and on behalf of all citizens and residents of the State of Georgia. In the event no bill of exceptions shall be filed within 20 days from the date of the judgment of validation, or if filed and the judgment shall be affirmed by the proper appellate court of this state, the judgment of the Richmond County Superior Court so confirming and validating the validity and binding effect of such contract or lease or contracts or leases and of such bonds and the security therefor shall be forever conclusive upon the issue of the validity and binding effect of such contracts, leases and bonds and the security therefor and upon the issue of the validity and constitutionality of this and any other act pertaining to such contracts and bonds and the security therefor against the authority issuing the same and against the parties to such contracts and against all residents of the State of Georgia.

(b) Any action or proceeding to contest the validity or binding effect of any such revenue bonds or resolution or trust instrument pertinent thereto or any contracts made for the purposes of providing the payment of such bond as aforesaid must be commenced and filed prior to the conclusion of the validation hearing, notice of which shall have been given as provided by law. After the expiration of such period of limitation no right of action or defense founded upon the invalidity of such bonds, resolutions, trust instruments, or contracts shall be asserted nor shall the validity and binding effect of such bonds, resolutions, trust instruments, or contracts be opened to question or attack in any court upon any ground whatever, except in an action or proceeding commenced and filed prior to the conclusion of such validation hearing. (Ga. Laws 1973, p. 3042, § 22; Ga. Laws 1975, p. 4681, § 3)

**§ 1-161. PROTECTION OF BONDHOLDERS' INTEREST BY INSURING STATUS OF AUTHORITY.**

While any of the bonds issued by the authority remain outstanding, the powers, duties or existence of said authority or of its officers, employees, or agents, shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds, and no other entity, department, agency, or authority, will be created which will compete with the authority to such an extent as to affect adversely the rights and interests of the holders of such bonds, nor will the state itself so compete with the authority. The provisions of this act shall be for the benefit of the authority and the holders of any such bonds, and upon the issuance of bonds under the provisions hereof, shall constitute a contract with the holders of such bonds. (Ga. Laws 1973, p. 3042, § 23.)

**§ 1-162. RATES, CHARGES, ETC., FOR SERVICES, FACILITIES, ETC., OF AUTHORITY.**

The authority is hereby authorized to prescribe and fix and collect rates, fees, tolls and charges, and to revise from time to time and collect such rates, fees, tolls and charges for the services, facilities or commodities furnished, including leases, concessions or subleases of its lands or facilities, or contracts for the use of its land and facilities, and to determine the price and terms at and under which its lands or facilities may be sold, and, in anticipation of the collection of the revenues and income of such undertakings or projects, is authorized to issue revenue bonds as herein provided to finance, in whole or in part the cost of the acquisition, construction, reconstruction, improvement, equipment, betterment or extension of its lands and facilities and to pledge to the punctual payment of said bonds and interest thereon, all or any part of the revenues and income of such undertakings or projects, including the revenues of improvements, betterments or extensions thereto, thereafter made or the sale of any of its lands and facilities. (Ga. Laws 1973, p. 3042, § 25.)

**§ 1-163. AUTHORITY TO PRESCRIBE RULES AND REGULATIONS FOR OPERATION OF PROJECTS.**

It shall be the duty of the authority to prescribe rules and regulations for the operation of the project or projects constructed under the provisions of this act. (Ga. Laws 1973, p. 3042, § 26.)

**§ 1-164. TORT IMMUNITY OF AUTHORITY.**

The authority shall have the same immunity and exemption from liability for torts and negligence as Richmond County and the City of Augusta; and the officers, agents and employees of the authority when in the performance of the work of the authority shall have the same immunity and exemption from liability for torts and negligence as the officers, agents and employees of Richmond County and the City of Augusta when in the performance of their public duties or work. (Ga. Laws 1973, p. 3042, § 27.)

**§ 1-165. POWERS OF AUTHORITY SUPPLEMENTAL TO POWERS CONFERRED BY OTHER LAWS.**

The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers not existing. (Ga. Laws 1973, p. 3042, § 28.)

**§ 1-166. ACT TO BE LIBERALLY CONSTRUED.**

This act, being for the welfare of various political subdivisions of the state and its inhabitants, shall be liberally construed to effect the purposes thereof. (Ga. Laws 1973, p. 3042, § 29.)

**§ 1-167. SHORT TITLE.**

This act may be cited as the Richmond County Industrial Development Act. (Ga. Laws 1957, p. 3175, § 1.)

[Editor's Note: Because this Authority does not exist, the provisions have been omitted. See Part 2, § 1-4-6 et seq. for the Development Authority of Richmond County.]

**§ 1-230. STATUS OF EXISTING MEMBERS.**

(a) Except as provided in subsection (b) of this section, members of the board of the Richmond County Hospital Authority who were serving on the board on January 1, 1985, shall serve for the remainder of the terms to which they were appointed and until their successors are appointed and qualified.

(b) The two members of the board whose terms expired December 31, 1984, shall serve until their successors are appointed and qualified under this act [division]. (Ga. Laws 1985, p. 3892, § 1)

**§ 1-231. APPOINTMENT OF SUCCESSOR--TERM EXPIRING DECEMBER 31, 1984.**

The successor to one of the two members of the board whose term expired December 31, 1984, shall be appointed by the governing authority of Richmond County. The one member appointed under this section and successors to such member shall be a member of the governing authority of Richmond County. (Ga. Laws 1985 p. 3892, § 2)

**§ 1-232. SAME--TERMS EXPIRING 1984 THROUGH 1987.**

The successor to one of the two members of the board whose term expired December 31, 1984, successors to the two members of the board whose terms expire December 31, 1985, successors to the two members of the board whose terms expire December 31, 1986, and successors to the three members of the board whose terms expire December 31, 1987, shall be appointed by the governing authority of Richmond County from lists of the names of eligible persons submitted by the board of the Richmond County Hospital Authority. For each position on the board to be filled, a list of the names of three persons shall be submitted to the governing authority of Richmond County. The governing authority shall select one of the three persons named to succeed the member whose term has expired. (Ga. Laws 1985, p. 3892, § 3)

**§ 1-233. SAME--TERMS OF OFFICE.**

Members of the board appointed under sections 2 and 3 of this act [ §§ 1-1-231 and 1-1-232] and successors of such members shall serve for terms of office of four years and until their successors are appointed and qualified as provided and using the procedures in section 2 or section 3 of this act [ §§ 1-1-231 and 1-1-232] as the case may be. (Ga. Laws 1985, p. 3892, § 4)

**§ 1-234. FILLING OF VACANCIES.**

If a vacancy occurs for any reason, a qualified person shall be appointed to serve for the remainder of the unexpired term and until his successor is appointed and qualified using the procedures set forth in section 2 or section 3 of this act [§§ 1-1-231 and 1-1-232] as the case may be. (Ga. Laws 1985, p. 3892, § 5)

## **§ 1-235. PURPOSE.**

Creating the Augusta Canal Authority; to provide for definitions; to provide for the purposes of the authority; to provide for membership of the authority; to provide for the appointment, terms, and eligibility for reappointment of the members of the authority; to provide for a quorum; to provide for officers; to provide for filling vacancies; to provide for the removal of members; to describe conflicts of interest and penalties for violations; to provide for powers of the authority; to provide for the issuance of revenue bonds generally; to provide for the applicability of the Revenue Bond Law; to provide for the authorized contents of agreements of the authority generally; to provide for the use of proceeds, subsequent issues, and bond anticipation notes; to provide that obligations of the authority shall not be obligations of the state or political subdivisions thereof; to provide for the constitutional authority for enactment of this Act and tax exemption; to provide for the applicability of the Georgia Securities Act of 1973; to provide for the effect of this Act under a successor government; to provide for the construction of this Act; to declare powers supplementary; to provide for severability; to repeal conflicting laws; and for other purposes. (Ga. Laws 1989, p. 4750, Act No. 289)

**§ 1-236. CREATION OF AUTHORITY.**

There is created the Augusta Canal Authority, which shall be an instrumentality and political subdivision of the State of Georgia and a public corporation. The authority may contract and be contracted with, sue and be sued, plead and be impleaded, and complain and defend in all courts of law and equity. (Ga. Laws 1989, p. 4750, § 1)

## § 1-237. DEFINITIONS.

As used in this Act, the following terms shall have the following meanings ascribed to them below:

(a) *Authority*. The Augusta Canal Authority created by this Act.

(b) *Cost of the project or cost of any project* means and includes:

(1) All costs of acquisition, by purchase or otherwise, construction, assembly, installation, modification, renovation, or rehabilitation incurred with any project or any part of any project;

(2) All costs of real property, fixtures, or personal property used in or in connection with or necessary for any project or for any facilities related thereto, including, but not limited to, the cost of all land, estates for years, easements, rights, improvements, water rights, connections for utility services, fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; and the cost of preparation of any application therefor and the cost of all fixtures, machinery, equipment, furniture, and other property used in or in connection with or necessary for any project;

(3) All financing charges and loan fees and all interest on revenue bonds, notes, or other obligations of the authority which accrue or are paid prior to and during the period of construction of a project and during such additional period as the authority may reasonably determine to be necessary to place such project in operation;

(4) All costs of engineering, surveying, and architectural and legal services and all expenses incurred by engineers, surveyors, architects, and attorneys in connection with any project;

(5) All expenses for inspection of any project;

(6) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust agreement, indenture of trust, or similar instrument or agreement; all expenses incurred by any such fiscal agents, paying agents, and trustees; and all other costs and expenses incurred relative to the issuance of any revenue bonds, notes, or other obligations for any project;

(7) All fees of any type charged by the authority in connection with any project;

(8) All expenses of or incidental to determining the feasibility or practicability of any project;

(9) All costs of plans and specifications for any project;

(10) All costs of title insurance and examinations of title with respect to any project;

(11) Repayment of any loans made for the advance payment of any part of any of the foregoing costs, including interest thereon and any other expenses of such loans;

(12) Administrative expenses of the authority and such other expenses as may be necessary or incidental to any project or the financing thereof or the placing of any project in operation; and

(13) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the authority may approve with respect to the financing and operation of any project and as may be authorized by any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement pursuant to the provisions of which the issuance of any revenue bonds, notes, or other obligations of the authority may be authorized.

Any cost, obligation, or expense incurred for any of the foregoing purposes shall be part of the cost of the project and may be paid or reimbursed as such out of proceeds of revenue bonds, notes, or other obligations issued by the authority.

(c) *Governing body.* The elected or duly appointed officials constituting the governing body of the City of Augusta or any successor government to the City of Augusta.

(d) *Member.* A member of the authority established by this Act.

(e) *Project.* Any undertaking of the authority in connection with the revitalization and development of the City of Augusta within a project area, and shall be declared to include the creation of parks and recreation areas; buildings to be constructed and used for the housing of exhibits, exhibition purposes, amusement or educational purposes, or any combination of the above; public parking areas and public parking buildings; causeways, tunnels, viaducts, bridges, and other crossings; thoroughfares, parkways, and any avenue of traffic; and all other buildings, structures, or facilities useful and desirable in connection therewith, extension and improvements of such facilities, and the acquisition of the necessary property therefor, both real and personal, in order to accomplish the essential public purpose for which the authority is created.

(f) *Project area.* Any contiguous tract of land, a portion of which fronts on either side of the Augusta Canal, or any structure linking a tract of land on one side of the Augusta Canal to a tract of land on the opposite side of the Augusta Canal. A contiguous tract of land is deemed to mean any parcel or parcels of land which are contiguous except for the interposition of a road, street, stream, or similar property. Otherwise, parcels are contiguous if their boundaries meet at one or more points.

(g) *Revenue bonds or bonds.* Any bonds of the authority which are authorized to be issued under the Constitution and laws of the State of Georgia, including refunding bonds but not including notes or other obligations of the authority. (Ga. Laws 1989, p. 4750, § 2)

## **§ 1-238. PURPOSES OF THE AUTHORITY.**

(a) It is determined, declared, and established that the purpose of the authority is to promote the revitalization and development of the City of Augusta through the creation in the project areas of parks, recreation areas, and all other facilities useful or desirable in connection therewith. The creation of such areas is intended to develop and promote for the public good and general welfare trade, tourism, commerce, industry, and employment opportunities and to promote the general welfare of this state by creating a climate favorable to the location of new industry, trade, and commerce and the development of existing industry, trade, commerce, and tourism opportunities within the City of Augusta.

(b) It is determined, declared, and established that the creation of the authority and the implementation of the corporate purposes set forth in this Act is in all respects for the benefit of the people of this state generally and for the people residing in the City of Augusta and surrounding areas of the State of Georgia specifically; and it is further declared that the revitalization and development of the project areas are proper public purposes and this Act is adopted for the purposes of promoting and expanding for the public good and welfare the public facilities of said areas, including the construction of streets, roadways, and parks and for the purposes of acquiring, constructing, adding to, extending, improving, equipping, maintaining any and all facilities useful or desirable in connection therewith, acquiring the necessary property therefor, both real and personal, with the right to contract for the use of or to lease or sell any or all of such facilities, including real property, and to do any and all things deemed by the authority necessary, convenient, or desirable for and incident to the efficient and proper development, revitalization, modernization, and operation thereof.

(c) It is further found, determined, and declared that all property of said authority is declared and shall in all respects be considered to be public property and title to such property shall be held by the authority only for the benefit of the public, and the use of such property pursuant to the terms of this Act shall be and is declared to be for public and governmental purposes, that is, for the promotion of the general public welfare in matters of cultural development, education, pleasure, convenience, and recreation of the public at large, in an effort to better the general condition of society or that considerable part of society residing in the City of Augusta and surrounding areas of the State of Georgia, which promotion is declared to be a public beneficence for the good of humanity and for the general improvement and happiness of society, and all the property, income, obligations, and interest on the obligations of the authority and the transfer thereof shall be and are declared to be nontaxable for any and all purposes. (Ga. Laws 1989, p. 4750, § 3)

**§ 1-239. AUTHORITY; MEMBERSHIP.**

(a) The authority shall be composed of 12 members who shall be residents and qualified voters of Augusta, Georgia. Except as hereinafter provided, ten members of the authority shall be appointed by the Augusta-Richmond County Commission, which shall designate each member to be a representative from one of the ten election districts used in electing the commissioners for the Augusta-Richmond County Commission. Three current members of the authority shall continue to serve as members for terms expiring March 31, 2000, and shall be deemed to be representatives for the Augusta-Richmond County Commission Districts as follows: District 2 - Robert S. Woodhurst III, District 6 - Jeanie C. Allen, and District 10 - D. Hugh Connolly. Two current members of the authority shall continue to serve as members for terms expiring March 31, 2002, and shall be deemed to be representatives for the Augusta-Richmond County Commission Districts as follows: District 3 - Thomas H. Robertson and District 9 - Richard S. Fox. New authority members shall be appointed as above set forth to be representatives for Districts 4 and 8 for terms expiring March 31, 2000, and to be representatives for Districts 1, 5, and 7, respectively for terms expiring March 31, 2002. In addition, two members shall be recommended by the Augusta-Richmond County delegation in the General Assembly of Georgia and appointed by the Augusta-Richmond County Commission, which shall designate one such member's term to expire March 31, 2000, and the other such member's term to expire March 31, 2002. Following expiration of the initial terms as set forth above, members of the authority shall serve four-year terms expiring on March 31 of the year of expiration. If at the end of any term of office of any member, a successor to such member has not been appointed, the member whose term of office has expired shall continue to hold office until a successor is appointed and assumes office. A majority of the members of the authority shall constitute a quorum. Any members of the authority otherwise qualified shall be eligible for reappointment. No member shall be a member of the Augusta-Richmond County Commission, but there shall be no other disqualification to hold public office by reason of membership in the authority.

(b) Vacancies in authority. Should an appointed member vacate his or her office by resignation, death, change of residence, or removal as provided in Section 7 of this Act or for any other reason, the Augusta-Richmond County Commission or the Augusta-Richmond County Commission upon the recommendation of the Richmond County delegation in the General Assembly of Georgia shall, as soon as practicable, appoint another qualified person to serve as a member of the authority for the unexpired term. (Ga. Laws 1989, p. 4750, § 4, Ga. Laws 1999, p. 3890)

**§ 1-240. OFFICERS.**

The members shall elect one of their number as chairman and another as vice chairman and shall also elect a secretary and a treasurer or a secretary-treasurer, either of whom may but need not be a member. The members shall receive no compensation for their services but shall be reimbursed for actual expenses incurred in the performance of their duties. The authority shall have perpetual existence. (Ga. Laws 1989, p. 4750, § 5)

**§ 1-241. VACANCIES IN AUTHORITY.**

Should an appointed member vacate his office either by resignation, death, change of residence, or removal as provided in Section 7 of this Act [§ 1-1-242] or for any other reason, the governing body of the City of Augusta shall, as soon as practicable, appoint another qualified person to serve as a member of the authority for the unexpired term. (Ga. Laws 1989, p. 4750, § 6)

## **§ 1-242. REMOVAL OF MEMBERS.**

Any member may be removed from office for good cause affecting his ability to perform his duties as a member, for misfeasance, malfeasance, or nonfeasance in office, or for violating the conflicts of interest provisions of this Act, by vote of three of the other members, but only after a public hearing at which such member is given the right to present evidence in his own behalf and only upon a finding by three of the other members that good cause for removal affecting the member's ability to perform his duties as a member exists, that he was guilty of misfeasance, malfeasance, or nonfeasance in office, or that he violated the conflicts of interest provisions of this Act. (Ga. Laws 1989, p. 4750, § 7)

## **§ 1-243. CONFLICTS OF INTEREST.**

No member of the authority or officer or employee thereof shall have a financial interest, direct or indirect, in any contract with the authority, or be financially interested, directly or indirectly, in the sale to the authority of any lands, material, supplies, or services, except on behalf of the authority as a member, officer, or employee thereof. Any violation of this provision by a member of the authority shall be grounds for removal pursuant to Section 7 of this Act [§ 1-1-242]. Any violation of this provision by any officer or employee of the authority who is not also a member of the authority shall be grounds for removal by vote of three members of the authority. (Ga. Laws 1989, p. 4750, § 8)

## § 1-244. POWERS OF THE AUTHORITY.

(a) The authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act including, without limiting the generality of the foregoing, the power:

(1) To bring and defend actions;

(2) To adopt and amend a corporate seal;

(3) To make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the authority or to further the public purpose for which the authority is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects, and contracts with respect to the use of projects;

(4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character, or any interest therein, in furtherance of the public purpose of the authority;

(5) To finance, by loan, grant, lease, or otherwise, and to construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any project from the proceeds of revenue bonds, notes, or other obligations of the authority or any other funds of the authority or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the authority is authorized to receive, accept, and use;

(6) To borrow money to further or carry out its public purpose and to execute revenue bonds, notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale of its revenue bonds, notes, or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the authority, to evidence and to provide security for such borrowing;

(7) To issue revenue bonds, notes, or other obligations of the authority and use the proceeds thereof for the purpose of paying, or loaning the proceeds thereof to pay, all or any part of the cost of any project and otherwise to further or carry out the public purpose of the authority and to pay all costs of the authority incidental to, or necessary and appropriate to, furthering or carrying out such purpose;

(8) To make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the authority's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source;

(9) To enter into agreements with the federal government or any agency thereof to use the

facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the authority;

(10) To contract for any period, not exceeding 50 years, with the State of Georgia, state institutions, or any municipal corporation or county of this state for the use by the authority of any facilities or services of the state or any such state institution, municipal corporation, or county, or for the use by any state institution or any municipal corporation or county of any facilities or services of the authority, provided that such contracts shall deal with such activities and transactions as the authority and any such political subdivision with which the authority contracts are authorized by law to undertake;

(11) To extend credit or make loans to any person, corporation, partnership, whether limited or general, or other entity for the costs of any project or any part of the costs of any project, which credit or loans may be evidenced or secured by loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, or such other instruments, or by rentals, revenues, fees, or such terms and conditions as the authority charges, upon shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds; and, in the exercise of powers granted by this Act in connection with any project, the authority shall have the right and power to require the inclusion in any such loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument such provisions or requirements for guaranty of any obligations, insurance, construction, use, operation, maintenance, and financing of a project, and such other terms and conditions, as the authority may deem necessary or desirable;

(12) As security for repayment of any revenue bonds, notes, or other obligations of the authority, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the authority, including, but not limited to, real property, fixtures, personal property, and revenues or other funds, and to execute any lease, trust indenture, trust agreement, agreement for the sale of the authority's revenue bonds, notes, or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the authority, to secure any such revenue bonds, notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any property of the authority upon default in any obligation of the authority, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in such agreement or instrument. The State of Georgia, on behalf of itself and each county, municipal corporation, political subdivision, or taxing district therein, waives any right it or such county, municipal corporation, political subdivision, or taxing district may have to prevent the forced sale or foreclosure of any property of the authority upon such default and agrees that any agreement or instrument encumbering such property may be foreclosed in accordance with the laws of this state and the terms thereof;

(13) To receive and use the proceeds of any tax levied by a municipal corporation to pay the costs of any project or for any other purpose for which the authority may use its own funds pursuant to this Act;

(14) To receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts;

(15) To use any real property, personal property, or fixtures or any interest therein or to rent or lease such property to or from others or make contracts with respect to the use thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to the best advantage of the authority and the public purpose thereof;

(16) To acquire, accept, or retain equitable interests, security interests, or other interests in any real property, personal property, or fixtures by loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, pledge, conveyance, contract, lien, loan agreement, or other consensual transfer in order to secure the repayment of any moneys loaned or credit extended by the authority;

(17) To appoint, select, and employ engineers, consultants, surveyors, architects, urban or city planners, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;

(18) To encourage, advertise, and promote the improvement and revitalization of the project areas and to make, contract for, or otherwise cause to be made long-range plans or proposals for the project areas in cooperation with the City of Augusta;

(19) To adopt bylaws governing the conduct of business by the authority, the election and duties of officers of the authority, and other matters which the authority determines to deal with in its bylaws; and

(20) To do all things necessary or convenient to carry out the powers conferred by this Act.

(b) The powers enumerated in each paragraph of subsection (a) of this section are cumulative of and in addition to those powers enumerated in other paragraphs of subsection (a) of this section and elsewhere in this Act, and no such power limits or restricts any other power of the authority. (Ga. Laws 1989, p. 4750, § 9)

## **§ 1-245. REVENUE BONDS--GENERALLY.**

(a) The authority, or any authority or body which has or which may in the future succeed to the powers, duties, and liabilities vested in the authority created by this Act, shall have the power and is authorized to provide by resolution for the issuance of revenue bonds for the purpose of paying all or any part of the cost as defined in this Act of any one or more projects.

(b) Revenue bonds, notes, or other obligations issued by the authority shall be paid solely from the property, including, but not limited to, real property, fixtures, personal property, revenues, or other funds, that is pledged, mortgaged, conveyed, assigned, hypothecated, or otherwise encumbered to secure or to pay such bonds, notes, or other obligations.

(c) All revenue bonds, notes, and other obligations shall be authorized by resolution of the authority and adopted by a majority vote of the members of the authority at a regular or special meeting.

(d) Revenue bonds, notes, or other obligations shall bear such date or dates, shall mature at such time or times not more than 40 years from their respective dates, shall bear interest at such rate or rates which may be fixed or may fluctuate or otherwise change from time to time, shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the authority authorizing the issuance of such revenue bonds, notes, or other obligations shall bind the members of the authority then in office and their successors.

(e) The authority shall have power from time to time and whenever it deems it expedient to refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded have matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose permitted under this Act. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded.

(f) There shall be no limitation upon the amount of revenue bonds, notes, or other obligations which the authority may issue. Any limitations with respect to interest rates or any maximum interest rate or rates found in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the Revenue Bond Law, the usury laws of this state, or any other laws of this state shall not apply to revenue bonds, notes, or other obligations of the authority. (Ga. Laws 1989, p. 4750, § 10)

**§ 1-246. APPLICABILITY OF REVENUE BOND LAW; FORM; PROVISIONS FOR EXCHANGE AND TRANSFER; CERTIFICATE OF VALIDATION; SPECIFICATION OF INTEREST RATES IN NOTICE TO DISTRICT ATTORNEY OR ATTORNEY GENERAL; COST OF THE PROJECT OR COST OF ANY PROJECT DEFINED.**

(a) All bonds issued by the authority under this Act shall be issued and validated under and in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the Revenue Bond Law, except as provided in this Act, provided that notes and other obligations of the authority may, but shall not be required to, be so validated.

(b) Bonds issued by the authority may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide.

(c) Bonds shall bear a certificate of validation. The signature of the clerk of the Superior Court of Richmond County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated, and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court in this state.

(d) In lieu of specifying the rate or rates of interest which bonds to be issued by an authority are to bear, the notice to the district attorney or the Attorney General, the notice to the public of the time, place, and date of the validation hearing, and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest, which may be fixed or may fluctuate or otherwise change from time to time, specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate, which may be fixed or may fluctuate or otherwise change from time to time, so specified; provided, however, that nothing in this Act shall be construed as prohibiting or restricting the right of the authority to sell such bonds at a discount, even if in doing so the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.

(e) The terms cost of the project and cost of any project shall have the meaning prescribed in this Act whenever those terms are referred to in bond resolutions of the authority, in bonds, notes, or other obligations of the authority, or in notices or proceedings to validate such bonds, notes, or other obligations of the authority. (Ga. Laws 1989, p. 4750, § 11)

**§ 1-247. AUTHORIZED CONTENTS OF AGREEMENTS AND INSTRUMENTS OF AUTHORITY--  
GENERALLY; USE OF PROCEEDS; SUBSEQUENT ISSUES; BOND ANTICIPATION NOTES.**

(a) Subject to the limitations and procedures provided by this section and by Section 11 of this Act [§ 1-1-246], the agreements or instruments executed by the authority may contain such provisions not inconsistent with law as shall be determined by the authority.

(b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by the authority shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted in this Act, all or part of the cost of any project or for the purpose of refunding any bonds, notes, or other obligations issued in accordance with this Act.

(c) Issuance by the authority of one or more series of bonds, notes, or other obligations for one or more purposes shall not preclude it from issuing other bonds, notes, or other obligations in connection with the same project or with any other projects; provided, however, that the proceeding wherein any subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior loan agreement, mortgage, deed to secure debt, trust deed, security agreement, or other agreement or instrument made for any prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such prior issue the right is expressly reserved to the authority to issue subsequent bonds, notes, or other obligations on a parity with such prior issue.

(d) The authority shall have the power and is authorized, whenever bonds of the authority shall have been validated as provided in this Act, to issue from time to time its notes in anticipation of such bonds as validated and to renew from time to time any such notes by the issuance of new notes, whether or not the notes to be renewed have matured. The authority may issue such bond anticipation notes only to provide funds which would otherwise be provided by the issuance of the bonds as validated. Such notes may be authorized, sold, executed, and delivered in the same manner as bonds. As with its bonds, the authority may sell such notes at public sale or at private sale. Any resolution or resolutions authorizing notices of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution or resolutions authorizing bonds of the authority to any issue thereof; and the authority may include in any notes any terms, covenants, or conditions which the authority is authorized to include in any bonds. Validation of such bonds shall be a condition precedent to the issuance of such bonds, but it shall not be required that such notes be judicially validated. Bond anticipation notes shall not be issued in an amount exceeding the par value of the bonds in anticipation of which they are to be issued. (Ga. Laws 1989, p. 4750, § 12)

**§ 1-248. OBLIGATIONS OF AUTHORITY NOT PUBLIC DEBT OF STATE OR POLITICAL SUBDIVISION THEREOF.**

No bonds, notes, or other obligations of and no indebtedness incurred by the authority shall constitute an indebtedness or obligation of the State of Georgia or any county, municipal corporation, or political subdivision thereof, nor shall any act of the authority in any manner, nor any contract entered into by the authority with any county, municipal corporation, or political subdivision thereof, constitute or result in the creation of an indebtedness of this state or any county, municipal corporation, or political subdivision thereof. Any county, municipal corporation, or political subdivision of this state may obligate itself to pay the payments required under such contracts from moneys received from taxes and from any other source without creating a debt within the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia. No holder or holders of any such bonds, notes, or other obligations shall ever have the right to compel any exercise of the taxing power of the state or any county, municipal corporation, or political subdivision thereof, nor to enforce the payment thereof against the state or any such county, municipal corporation, or political subdivision. (Ga. Laws 1989, p. 4750, § 13)

**§ 1-249. CONSTITUTIONAL AUTHORITY FOR ENACTMENT OF ACT; TAX EXEMPTION.**

This Act is enacted pursuant to authority granted the General Assembly by the Constitution of the State of Georgia. The authority is created for nonprofit and public purposes, and it is found, determined, and declared that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of this state and that the authority is an institution of purely public charity and will be performing an essential governmental function in the exercise of the power conferred upon it by this Act; and for such reasons the state covenants from time to time with the holders of the bonds, notes, and other obligations issued under this Act, that the authority shall be required to pay any taxes or assessments imposed by this state or any counties, municipal corporations, political subdivisions, or taxing districts thereof upon any property acquired by the authority or under its jurisdiction, control, possession, or supervision or leased by it to others or upon its activities in the operation or maintenance of any such property or on any income derived by the authority in the form of fees, recording fees, rentals, charges, purchase price, installments, or otherwise; and that the bonds, notes, and other obligations of the authority, their transfer, and the income therefrom shall at all times be exempt from taxation within this state. The tax exemption provided for in this Act shall not include any exemption from sales and use taxes on property purchased by the authority or for use by the authority. (Ga. Laws 1989, p. 4750, § 14)

**§ 1-250. APPLICABILITY OF THE GEORGIA SECURITIES ACT OF 1973.**

The offer, sale, or issuance of bonds, notes, or other obligations by the authority shall not be subject to regulation under Chapter 5 of Title 10 of the O.C.G.A., the Georgia Securities Act of 1973. No notice, proceeding, or publication except those required by this Act shall be necessary to the performance of any act authorized by this Act, nor shall any such act be subject to referendum. (Ga. Laws 1989, p. 4750, § 15)

**§ 1-251. EFFECT OF ACT UNDER SUCCESSOR GOVERNMENT.**

Any reference in this Act to the City of Augusta shall be deemed to include the City of Augusta in its present governmental form or any governmental entity which may succeed to the powers, duties, and liabilities vested in the current government. All provisions of this Act shall be effective under any such successor government, which would include, but is not limited to, a successor consolidated government of the City of Augusta and Richmond County. (Ga. Laws 1989, p. 4750, § 16)

**§ 1-252. CONSTRUCTION.**

This Act and all provisions, rights, and powers granted to the authority, being for the welfare of the state and its inhabitants, shall be liberally construed for the accomplishment of its purposes. (Ga. Laws 1989, p. 4750, § 17)

**§ 1-253. POWERS DECLARED SUPPLEMENTARY.**

The provisions of this Act shall be regarded as supplementary and additional to powers conferred by other laws and shall not be regarded as being in derogation of any powers now existing. (Ga. Laws 1989, p. 4750, § 18)

**§ 1-254. SEVERABILITY.**

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional. (Ga. Laws 1989, p. 4750, § 19)

**§ 1-255. REPEALER.**

All laws and parts of laws in conflict with this Act are repealed. (Ga. Laws 1989, p. 4750, § 20)

**§ 1-256. IN GENERAL; PURPOSE.**

An Act creating the Augusta Ports Authority; conferring and granting powers and imposing duties; authorizing the execution of leases and agreements and the hypothecation and mortgaging of its properties; authorizing the Authority to sue and in certain instances to be sued; authorizing the issuance of revenue anticipation bonds and certificates upon certain conditions; making the bonds and certificates of the authority legal investments; fixing the lien status of special funds of the Authority; declaring the Authority to be a department and instrumentality of the State; exempting the property, income and bonds thereof from taxation; providing for the separate enactment of each provision of this Act and repealing all laws or parts of laws in conflict with the provisions of this Act; and for other purposes. (Ga. Laws 1959, p. 2761, Act No. 261)

**§ 1-257. AUGUSTA PORT AUTHORITY.**

There is hereby created a body corporate and politic in Richmond County to be known as the Augusta Port Authority. (Ga. Laws 1959, p. 2761, § 1)

## § 1-258. DEFINITIONS.

As used in this Act, the following words and terms shall have the following meaning:

(a) *Authority*. The Augusta Port Authority created by Section 1 of this Act [§ 1-1-257].

(b) The word *project* shall be deemed to mean and include commercial and/or recreational development and activities, as well as special educational and/or entertainment events on the Savannah River or its shores. It shall also be deemed to mean and include the acquisition of lands, properties and improvements by purchase, lease or otherwise for industrial or manufacturing use, expansion and development, wharves, docks, terminals, ships, ferries, piers, quays, elevators, compresses, refrigeration storage plants, warehouses, buildings and facilities to be used in the manufacturing, processing, assembling, storing or handling of any agricultural or manufactured produce or produce of mining or industry, if the use and operation thereof will in the judgment of the Authority result in the increased use of the port facilities of the Port of Augusta. Any project may include other structures and any and all facilities needful for the convenient use of the same in the aid of commerce, including the dredging of approaches thereto, and the construction of belt line railroads, railroad sidings, roads, highways, bridges and causeways necessary or useful in connection therewith, and shipping facilities and transportation facilities incident thereto and useful or convenient for the use thereof, including terminal railroads, and also airports, seaplane bases, air transportation terminals, and truck terminals. There may be included as a part of any project any public utility facilities necessary or desirable to supply public utility services to other parts of such project or to the users of any of the facilities of the Authority which public utility facilities may include, but without limitation, facilities for the supplying of electricity, gas and water and for the collection and disposal of storm and sanitary sewage. There may be included as part of any project all appurtenances, equipment and machinery of every kind and nature necessary or desirable for the full utilization of the project.

(c) The term *cost of the project* shall embrace the cost of construction and the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of engineering, architectural, fiscal agents and legal expenses, and of plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expenses, and such other expenses as may be necessary or incident to the financing herein authorized, the construction of any project, the placing of the same in operation, and the condemnation of property necessary for such construction and operation.

(d) Any project shall be deemed *self-liquidating* if, in the judgment of the Authority, the revenues and earnings thereof will be sufficient to pay the cost of constructing, maintaining, repairing and operating the project and to pay the principal and interest of revenue bonds which may be issued for the cost of such project. Any buildings or facilities acquired by the Authority hereunder which are to be utilized in the manufacturing, processing, assembling, storing or handling of any agricultural or manufactured produce or produce of mine or industry, which may be acquired by the Authority for operation by a corporation, entity or persons other than the Authority, as distinguished from facilities acquired by the Authority for operation by it as a part and allied facilities for the direct use of the public, shall be acquired and financed hereunder only if prior to the issuance of bonds therefor the Authority shall have entered into a lease or leases thereof or an agreement or agreements for the sale thereof pursuant to the terms of which the lessees or purchasers shall pay to the Authority such rentals or installment purchase payments, or both, as upon the basis of determinations and findings to be made by the Authority, will be fully sufficient to pay principal of and interest on the bonds issued for the financing thereof, to build up and maintain any reserves deemed by the Authority to be advisable in connection therewith, and to pay the cost of maintaining the buildings and facilities in good repair and keeping them properly insured, unless the leases or agreements obligate the lessees or purchasers to pay for such insurance or maintenance. The Authority is given full power and discretion to enter into any such agreements or leases as may in its judgment be desirable for the best interests of the Authority. Any such agreement or lease may provide that any surplus capacity of the buildings or facilities which are the subject matter thereof may be utilized by and for the benefit of the general public, in which event such surplus capacity

may be maintained or operated, or both, by either the Authority or by the lessee or purchaser under the lease or agreement, or in part by each, all as may be provided in the lease or agreement. Any project may include in part one or more buildings or facilities or combinations thereof to be leased or sold as provided in this paragraph and in part other facilities described in subsection (b) of this section, the revenues of the whole being allocated and pledged to the financing of the project as a whole, and in such event the requirements of this paragraph applicable to buildings or facilities to be leased or sold, shall be applicable only to the part of the project which consists of the buildings or facilities to be so leased or sold.

(e) *Port*. Any place, natural or artificial, in Richmond County in which water going vessels may be sheltered or loaded or unloaded.

(f) *Harbor*. Any place, natural or artificial, in Richmond County in which vessels capable of moving articles of commerce by waterborne vessels may be loaded, unloaded or accommodated. (Ga. Laws 1959, p. 2761, § 2; Ga. Laws 1989, p. 4087, § 1)

## **§ 1-259. MEMBERSHIP.**

The authority shall consist of 12 members who shall serve for a term of four years and who shall be eligible for reappointment. The members shall be residents and qualified voters of Augusta, Georgia. Except as hereinafter provided, ten members of the authority shall be appointed by the Augusta-Richmond County Commission, which shall designate each member to be a representative of one of the ten commission districts for the Augusta-Richmond County Commission. Three current members of the authority shall continue to serve as members for terms expiring March 31, 2000, and shall be deemed to be representatives for the Augusta-Richmond County Commission Districts as follows: District 4 - John P. Timmerman, District 6 - Stovall Walker, and District 10 - Dr. Carl Nechtman. Three current members of the authority shall continue to serve as members for terms expiring March 31, 2002, and shall be deemed to be representatives for the Augusta-Richmond County Commission Districts as follows: District 1 - Virginia Fox, District 3 - Richard Toole, and District 7 - Jack Barber. New authority members shall be appointed as above set forth to be representatives for Districts 2 and 8 respectively for terms expiring March 31, 2000, and to be representatives for Districts 5 and 9 for terms expiring on March 31, 2002. In addition, two members shall be recommended by the Augusta-Richmond County delegation in the General Assembly of Georgia and appointed by the Augusta-Richmond County Commission, which shall designate one such member's term to expire March 31, 2000, and the other such member's term to expire March 31, 2002. Following expiration of the initial terms as set forth above, members of the authority shall serve four-year terms expiring on March 31 of the year of expiration. Vacancies shall be filled for any unexpired term. If, at the end of any term of office of any member, a successor to such member has not been appointed, the member whose term of office has expired shall continue to hold office until a successor is appointed and assumes office. A majority of the members shall constitute a quorum and a majority may act for the authority in any matter. No vacancy shall impair the power of the authority to act. No member shall be a member of the Augusta-Richmond County Commission, but there shall be no other disqualification to hold public office by reason of membership in the authority. (Ga. Laws 1959, p. 2761, § 3; Ga. Laws 1975, p. 2939, §§ 1, 2, Ga. Laws 1999, p. 4286)

## § 1-260. POWERS.

The powers of the Authority shall include but not be limited to, the power:

- (a) To buy, acquire, hold, develop, improve, own, operate, maintain, sell, dispose of, lease, as lessor or lessee, and mortgage land, buildings, real and personal property including stock of other corporations;
- (b) To receive and administer gifts, grants and donations and to administer trusts;
- (c) To grant, loan and lease any of its funds and property to private persons and corporations promising to develop or promote commercial and/or recreational projects and special educational and/or entertainment events, to develop port facilities or utilize water transportation on the Savannah River within Richmond County or originating or terminating therein which in the judgement of the Authority will be of benefit to the people of The City of Augusta or Richmond County. The provisions of this clause shall not be construed to limit any other power of the Authority;
- (d) To borrow money and to issue notes, bonds and revenue certificates therefor and to sell, convey, mortgage, pledge and assign any and all of its funds, property and income as security therefor;
- (e) To contract with The City of Augusta, Richmond County and other political subdivisions and with private persons and corporations and to sue in its corporate name;
- (f) To have and exercise the usual powers of public and private corporations performing similar functions which are not in conflict with the Constitution and laws of this State, including the power to appoint and select officers, agents and employees, including engineering, architectural and construction experts and attorneys and to provide their compensation and duties, which officers and agents may or may not be members of the Authority, and the power to adopt and amend a corporate seal and by-laws and regulations for the conduct and management of the Authority;
- (g) To encourage and promote the development of commercial and/or recreational projects and special educational and/or entertainment events, the expansion of port and harbor development facilities and water transportation on the Savannah River, trade and commerce in Richmond County, and to make long range plans therefor;
- (h) To accumulate its funds from year to year and to invest accumulated funds in any manner that public funds of the State of Georgia or any of its political subdivisions may be invested;
- (i) To designate officers to sign and act for the Authority generally or in any specific matter;
- (j) To do any and all acts and things necessary or convenient to accomplish the purpose and powers of the Authority expressly conferred by this Act;
- (k) To acquire in its own name by purchase, on such terms and conditions, and in such manner as it may deem proper or by condemnation in accordance with and subject to the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or liens or easements therein or franchises necessary or convenient for its corporate purposes, excepting such property, liens, easements and franchises used or owned by public service corporations, and to use the same so long as its corporate existence shall continue, and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the Authority; the Authority being under no obligation to accept or pay for any property so acquired except from the funds provided by authority of this

Act. Any proceedings for condemnation shall be instituted in the same manner and under the same provisions of law governing condemnation of property for public use as that exercised by counties and municipalities of this State. If the Authority shall deem it expedient to construct any project on lands, the title to which shall then be in the County of Richmond or The City Council of Augusta, the governing authorities of Richmond County and of The City Council of Augusta are authorized in their discretion, to convey title to such lands to the Authority;

(l) To make contracts, and to execute all instruments necessary or convenient, including contracts for construction of projects and leases and rentals of projects or sale of projects, or contracts with respect to the use of projects which it causes to be erected or acquired. And the County of Richmond and The City Council of Augusta are hereby authorized to enter into leases or agreements with the Authority upon such terms and for such purposes as they may deem advisable;

(m) To construct, erect, acquire, own, repair, remodel, maintain, extend, improve, equip, operate and manage self-liquidating projects to be located on property owned or leased by the Authority, the cost of the project to be paid from the proceeds of revenue-anticipation certificates of the Authority and from any grant from the United States of America, State of Georgia, County of Richmond, The City Council of Augusta, or from any contribution by persons, firms, or corporations, all of which the Authority is hereby authorized to receive and accept;

(n) To provide by resolution, when concurred in by The City Council of Augusta for the issuance and sale of negotiable revenue anticipation certificates, for the purpose of paying all or any part of the cost of acquisition, construction, alteration, repair, modernization and other charges incident thereto in connection with any of its facilities or projects, and to pay off or refinance any outstanding debt or obligation of any nature owed by said Authority, and shall likewise have power to issue refunding certificates. Said Authority may issue such types of certificates as may be determined by the members of said Authority, including certificates on which principal and interest are payable:

(1) exclusively from incomes or revenues of the operation of the Authority financed with the proceeds of such certificates or together with such proceeds and grants from any instrumentality or other person or corporation in aid of such projects;

(2) exclusively from income and revenue of certain designated projects; or

(3) from revenues of the Authority generally. Any such certificates may be additionally secured by mortgage of the project or any part thereof constituting real or personal property of the Authority, except as prohibited by law.

a. Neither the members of the Authority nor any person executing certificates on behalf of the Authority shall be personally liable thereon by reason of the issuance thereof. The certificates and other obligations of the Authority shall not be, (and shall so state on the face thereof) a debt of The City Council of Augusta, the County of Richmond, or the State of Georgia. Certificates of the Authority are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempt from all taxes.

b. Certificates of the Authority shall be confirmed and

validated in accordance with the procedure of the Revenue Certificate Law of 1937, as amended, and when validated the judgment of validation shall be final and conclusive with respect to such certificates and against the Authority issuing the same.

In the event that any payments to be made by any city, town, municipality or county, under contract of lease, or other contract, entered into between said Authority and such political subdivision, are pledged to the security or payment of revenue certificates sought to be validated, said Authority, as an integral part of such validation proceedings, shall have the right of action, suit, countersuit or equitable bill against such contracting subdivision or subdivisions for a declaratory adjudication of the validity and binding effect of such contract, the actual controversy therein being whether or not such contract is in all respects valid and binding upon such subdivision or subdivisions. Such subdivision or subdivisions shall be made a party or parties to the action, and it shall be incumbent on such subdivision or subdivisions to defend against an adjudication of the validity of such contract or be forever bound. Notice of such proceedings shall be included in the notice of validation hearing required to be issued and published by the clerk of the superior court in which such validation proceeding is pending. Any citizen resident in any subdivision which is a party to such contract may intervene in the validation proceedings at or before the time set for the validation hearing by order of the superior court and assert any ground of objection to the validity and binding effect of such contract on his own behalf and on behalf of the subdivision and all citizens, residents and property owners thereof. At adjudication as to the validity of such contract, unexpected to within the time provided for exceptions in the Revenue Certificate Act of 1937, as amended, shall be conclusive and binding upon such subdivision or subdivisions and the resident citizens and property owners thereof.

c. Certificates of the Authority shall be authorized by its resolution when concurred in by the City Council of Augusta and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such

terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide, and in case any of the members or officers of the Authority whose signatures appear on any certificates or coupons shall cease to be such members or officers before the delivery of such certificates, such signatures shall nevertheless be valid and sufficient for all purposes.

d. Obligations of the Authority evidenced by certificates and trust indentures and mortgages executed in connection therewith may contain such provisions not inconsistent with law as shall be determined by the Authority and the Authority may in such instruments provide for the pledging of all or any part of its gross or net fees, tolls, charges, revenues and incomes and mortgaging of all or any part of its real or personal property or provide against pledging any or all of its income, revenues, tolls, charges, or fees and to further provide for the disposition of proceeds realized from the sale of any certificates and for the replacement of lost, destroyed or mutilated certificates and necessary provisions as to payment and redemption of such certificates. Undertakings of the Authority may likewise prescribe the procedure by which certificate holders may enforce rights against the Authority and provide for such rights upon breach of any covenant, condition or obligation of the Authority. Trust indentures, mortgages or deeds to secure debt executed by the Authority may provide that, in the event of default by the Authority in the payment of principal and interest on certificates or obligations or breach of any covenant, a trustee or trustees appointed under the terms of the indenture, mortgage or deed to secure debt, which shall be a bank or trust company authorized to exercise trust powers, may take possession and use, operate and manager any project mortgaged as security for the repayment of any indebtedness of the Authority and provide the terms and conditions upon which the trustee or trustees or holders of certificates may enforce any right relating to such certificates. Such trust indentures, mortgages and deeds to secure debt may contain such provisions as may be deemed necessary or desirable by the Authority not inconsistent with law.

e. It is hereby found, determined and declared that the Authority herein created constitutes a department and instrumentality of the State of Georgia, that the carrying out of the purposes of this Act and the powers and duties imposed in the Authority will constitute the

performance of an essential governmental function of the State, will promote the natural resources of the State, and will benefit the inhabitants of the State, and accordingly it is provided and the State covenants with the holders from time to time of the bonds issued hereunder that: (1) the Authority shall be required to pay no taxes or assessments imposed by the State or any of its political subdivisions or taxing districts upon any property acquired by the Authority or under its jurisdiction, control, possession or supervision, or upon its activities in the operation or maintenance of any such properties, or on any income derived by the Authority from such facilities or otherwise, and (2) that the bonds of the Authority, their transfer and the income therefrom shall always be exempted from taxation within the State.

f. Notwithstanding any restrictions on investments contained in any laws of this State, the State and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, monies or other funds belonging to them or within their control in any bonds or other obligations issued by the Authority pursuant to this Act, when such bonds or other obligations are secured by rentals or other monies to be paid by the United States of America or any department or agency thereof, and such bonds and other obligations shall be authorized security for all public deposits; it being the purpose of this section to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations. Provided, however, that nothing contained in this section shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities.

g. Obligations of the Authority other than certificates shall be payable from general funds of the Authority

and shall at no time be a charge against any, special fund allocated to the payment of certificates except upon payment of current annual maturities and reserves thereof. (Ga. Laws 1959, p. 2761, § 4; Ga. Laws 1989, p. 4087, §§ 2, 3)

**§ 1-261. NOTICE TO GEORGIA PORTS AUTHORITY.**

The Authority shall not undertake any project for the construction or acquisition of any wharves, docks, piers, quays or similar structures for public use along or over that portion of the waters of the Savannah River which are under the jurisdiction of the Georgia Ports Authority without first notifying the Georgia Ports Authority; and the Georgia Ports Authority shall have the right of refusing to approve such project, and may require, as a prerequisite to its consideration and approval, the submission to it by the Authority of an analysis, in such form as it may prescribe of said project. If the Georgia Ports Authority shall disapprove any such project, after such analysis has been submitted and considered by it, the Authority is prohibited from proceeding therewith. (Ga. Laws 1959, p. 2761, § 5)

**§ 1-262. REPEALER.**

All laws or parts of laws in conflict herewith are hereby repealed. (Ga. Laws 1959, p. 2761, § 6; Ga. Laws 1975, p. 2939, § 3; Ga. Laws 1989, p. 4087, § 4)

**§ 2-1. SALE OF INTOXICATING BEVERAGES AUTHORIZED FROM 11:55 P.M. ON SATURDAYS TO 2:55 A.M. ON SUNDAYS.**

In all counties having a population of not less than 170,000 nor more than 275,000 according to the United States decennial census of 1980 or any future such census in which the sale of alcoholic beverages is lawful and in all municipalities within such counties in which the sale of alcoholic beverages is lawful, the governing authority of the county or municipality, as appropriate, may authorize the sale of alcoholic beverages for consumption on the premises at any time from 11:55 p.m. on Saturdays until 2:55 a.m. on Sundays. (O.C.G.A., § 3-3-7(e); Ga. Laws 1982, p. 521)

**§ 2-2. SALE OF INTOXICATING BEVERAGES AUTHORIZED FROM 12:30 P.M. TO 12:00 MIDNIGHT ON SUNDAYS IN EATING ESTABLISHMENTS.**

In all counties having a population of not less than 170,000 nor more than 275,000 according to the United States decennial census of 1980 or any future such census in which the sale of alcoholic beverages is lawful and in all municipalities within such counties in which the sale of alcoholic beverages is lawful, the governing authority of the county or municipality, as appropriate, may authorize the sale of alcoholic beverages for consumption on the premises in eating establishments which are located in the unincorporated area of the county, in the case of the county, or which are located in the corporate limits of the municipality, in the case of a municipality, on Sundays between the hours of 12:30 p.m. and 12:00 midnight. As used in this paragraph, the term eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food. (O.C.G.A., § 3-3-7(e); Ga. Laws 1982, p. 521)

**§ 2-3. SALE OF ALCOHOLIC BEVERAGES ON SUNDAYS, ELECTION DAYS, AND CHRISTMAS DAY.**

(a) Except as specifically authorized by law, no person knowingly and intentionally shall sell or offer to sell alcoholic beverages on:

(1) Sunday; or

(2) An election day. As used in this paragraph, the term election day means that period of time beginning with the opening of the polls and ending with the closing of the polls. The prohibition of this Code section relative to election days applies only within the territorial boundaries for which the election is being held and, for the purposes of such prohibition, such territorial boundaries shall not include any property owned or operated by a county, municipality, or other political subdivision of this state for airport purposes, if no person resides on such publicly owned or operated property. As used in this paragraph, the term election means any state-wide primary election and the state-wide general election and any runoff held for any such election. Except as provided in this paragraph, in all counties of this state having a population of 35,000 or more according to the United States decennial census of 1980 or any future such census the local governing authorities of such counties and the local governing authorities of municipalities located in such counties may determine by local ordinance, resolution, or referendum whether such sales shall be permitted on local election days; provided, however, that this paragraph shall not apply to any governing authority which has not authorized the sale of alcoholic beverages.

(b) The governing authority of any county or municipality may, by ordinance or resolution, prohibit the sale of alcoholic beverages on Christmas Day. (Ga. Laws 1937, p. 148, §§ 6,7; Ga. Laws 1937-38, Ex. Sess., p. 103, § 14; Ga. Laws 1971, p. 864, § 1; Ga. Laws 1972, p. 721, § 1; Ga. Laws 1977, p. 1236, § 1; Code 1933, § 58-813, enacted by Ga. Laws 1977, p. 1316, § 1; Code 1933, § 5A-507, enacted by Ga. Laws 1980, p. 1573, § 1; Ga. Laws 1981, p. 460, § 1; Ga. Laws 1981, p.1269, § 19; Ga. Laws 1982, p. 890, § 1)

## § 5-1. COUNTY PROBATION SYSTEM.

(a) This Code section shall apply to county probations systems, including state court adult probation systems, of each county having a population of more than 100,000 in any metropolitan statistical area having a population of not less than 200,000 nor more than 230,000 according to the United States decennial census of 1980 or any future such census, any provision of Code section 42-8-43 to the contrary notwithstanding. The department shall participate in the cost of the county probation systems subject to this Code section for fiscal year 1987-88. The department shall compute the state cost per probationer on a state-wide basis for such fiscal year pursuant to the formula used by the office of planning and budget to determine the state cost for probation for budgetary purposes. For said fiscal year, the department shall pay to the governing authority of each county maintaining a county probation system subject to this Code section 10 percent of the state-wide cost per probationer for each probationer being supervised under the respective county probation system as of the first day of said fiscal year. The funds necessary to participate in the cost of county probation systems under this subsection shall come from funds appropriated to the department for the purposes of providing state participation in the cost of county probation systems. The payments to counties provided for in this subsection shall be made by, or pursuant to the order of, the department in single lump sum payment for fiscal year 1987-88, with the payment being made by May 1, 1988. As a condition necessary for a county to qualify for department participation in the cost of the county's probation system, the county shall cause to be made an independent audit of the financial affairs and transactions of all funds and activities of the county probation system and agree to be responsible for any discrepancies, obligations, debts, or liabilities of such county probation system which may exist prior to the department's participation in the cost of the county's probation system. As a further condition necessary for a county to qualify for department participation in the cost of the county's probation system, the employees of such county probation systems shall be subject to the supervision, control, and direction of the department.

(b) The county probation system of any such county shall become a part of the state-wide probation system provided for by this article effective July 1, 1988, and shall be fully funded from state funds as part of the state-wide probation system beginning with fiscal year 1988-89. The employees of such county probation system, at their option, shall become employees of the department on the date said county system becomes a part of the statewide probation system and, on or after said date, said employees shall be subject to the salary schedules and other personnel policies of the department, except that the salaries of such employees shall not be reduced as a result of becoming employees of the department.

(c) When an employee of a county probation system becomes an employee of the department pursuant to subsection (b) of this Code section at the same or a greater salary, the change in employment shall not constitute involuntary separation from service or termination of employment within the meaning of any local retirement or pension system of which the employee was a member at the time of such change in employment, and the change in employment shall not entitle the employee to begin receiving any retirement or pension benefit whatsoever under any such local retirement or pension system.

(d) No leave time accrued by an employee of a county probation system shall be transferred when the employee becomes a state employee. Any leave time accrued by an employee of such county probation system shall be satisfied as a debt owed to the employee by the county. (Ga. Laws 1987, p. 1319, § 1)

**§ 5-52. JURY CLERK AND OTHER PERSONNEL.**

In all counties of this state having a population of not less than 145,000 and not more than 165,000, according to the United States Decennial Census of 1970, or any such future census, the senior judge of the superior court of such counties shall have the power to appoint a jury clerk and such other personnel as may be deemed necessary or advisable to dispatch the work of the court, and the appointments to these positions and the compensation therefor shall be determined by said judge without regard to any other system or rules, said personnel to serve at the pleasure of said judge, and the salaries and expenses thereof, and any attendant expense of administration of the courts are hereby determined to be contingent expense of court, and shall be paid as provided by law for the payment of contingent expenses. The duties of said personnel shall be as prescribed by said judge. (Ga. Laws 1966, p. 186, § 1; Ga. Laws 1971, p. 2964; O.C.G.A., § 5-12-23(b); Ga. Laws 1982, p. 548)

**§ 5-58. QUESTIONNAIRES FOR PROSPECTIVE JURORS--ANSWER REQUIRED.**

All prospective jurors in such counties shall be required to answer questionnaires as may be determined and submitted by said senior judge of such counties concerning their qualifications as jurors. (Ga. Laws 1966, p. 186, § 2; O.C.G.A., § 15-12-23(b); Ga. Laws 1982, p. 548)

**§ 5-59. SAME--FAILURE TO ANSWER.**

In the event any such person fails or refuses to answer such questionnaire, the jury clerk shall report such failure or refusal to the court, together with the facts concerning the same, and the court shall have such jurisdiction as is now provided by law for subpoena, attachment and contempt powers. (Ga. Laws 1966, p. 186, § 3; O.C.G.A., § 15-12-23(b); Ga. Laws 1982, p. 548)

**§ 5-60. PURPOSE OF ACT.**

This act shall be in addition and supplemental to other provisions provided by law, with a view toward efficient and orderly handling of jury selection and the administration of justice. (Ga. Laws 1966, p. 186, § 4; O.C.G.A., § 15-12-23(b); Ga. Laws 1982, p. 548)

**§ 5-61. GENERALLY.**

A state court be, and the same is hereby, created and established in the City of Augusta, with territorial jurisdiction over the whole County of Richmond, concurrent with the jurisdiction of the superior court, to try, and dispose of all civil cases of whatsoever nature above the jurisdiction of justices of the peace, except in cases of divorce, cases respecting titles to land and equity cases; and with criminal jurisdiction to try and dispose of all offenses where the offender is not subject to loss of life, or imprisonment in the penitentiary, committed in the County of Richmond, and to sit as a committing court, to hold preliminary examinations in cases of felonies committed in Richmond County. (Ga. Laws 1880-81, p. 574, § 1; Ga. Laws 1886-87, p. 713)

**§ 5-62. SUITS AGAINST JOINT DEFENDANTS.**

All suits against joint obligers, joint promisors, copartners or joint trespassers, in which any one or more reside in the County of Richmond, may be brought in this court when the amount is within its jurisdiction, as above defined, under the same rules and regulations governing such cases in the superior courts, mutatis mutandis as to copies, second originals, returns and other matters connected with the suit. (1880-81 Ga. Laws 574, § 43.)

**§ 5-63. MISDEMEANORS.**

The judge of the superior court may send down from the Superior Court of Richmond County all presentments and bills of indictments for offenses below a felony to the said state court for trial; the order or orders so transmitting such cases from the said superior court to the said state court for trial shall be entered upon the minutes of both of said courts. (1880-81 Ga. Laws 574, § 30.)

**§ 5-64. DUTY TO BIND OFFENDERS OVER TO STATE COURT.**

It shall be the duty of all the justices of the peace and notaries public of this state to bind over to said state court all persons charged with offenses committed within the limits of Richmond County, over which said state court has jurisdiction, to answer for said offenses. (1880-81 Ga. Laws 574, § 31.)

**§ 5-65. CLAIMS TO REALTY.**

All claims to realty levied by virtue of any execution issued from said state court shall be returnable to the superior court of the county where the land lies, and shall be put in, tried and determined, as other claim cases returned to said superior court. (1880-81 Ga. Laws 574, § 20.)

**§ 5-66. LAWS AND RULES GOVERNING SUPERIOR COURT.**

In all matters pertaining to pleading and practice, the laws and rules governing the superior courts, where not inconsistent with the express provisions of this act, shall apply to and govern said state court pleading and practice in every particular, so far as the same may be applicable. (1880-81 Ga. Laws 574, § 12.)

**§ 5-67. APPLICATION OF GENERAL LAW.**

The general law of this state with regard to the commencement of suits in the superior courts, defenses and witnesses and their attendants, interrogatories, sets-off, affidavits of illegality, arbitration, claims to personalty, examination of parties to suits, or witnesses by interrogatories, or under subpoenas, or other matters of a judicial nature within the jurisdiction of said state court, shall be applicable to said state court. (1880-81 Ga. Laws 574, § 16.)

**§ 5-69. PROCESS AND SERVICE THEREOF.**

In all civil cases to the declaration, the clerk shall annex a process (unless the same be waived), signed by the clerk, or his deputy, and bearing test in the name of the judge of the said state court, and directed to the sheriff of said state court and his deputies, which shall bear date at least twenty days before the term of the said state court, to which it may be brought and served upon the defendant at least fifteen days before the said term, in the same manner as in the superior court. Appearance and pleading shall be a waiver of all irregularities of process, or the absence of service thereof. (1880-81 Ga. Laws 574, § 13.)

**§ 5-70. GARNISHMENT.**

Garnishment proceedings in the state court shall be conformable to the laws of the state on that subject in the superior court; provided, the garnishee shall reside in the County of Richmond, but when the garnishee shall reside in any other county in this state, the same law shall be also applicable to the said state court, with this proviso, that the papers shall be returnable to the superior court of the county of the garnishee's residence, and all subsequent proceedings be had therein. (Ga. Laws 1880-81, p. 574, § 14)

**§ 5-71. SCIRE FACIAS.**

Scire facias to make parties in any cause in the said state court shall be had as in the superior court, and said scire facias shall run throughout the state, and be served by any sheriff thereof. (Ga. Laws 1880-81, p. 574, § 15)

## **§ 5-72. JURISDICTION OF AND PROCEDURE IN CASES INVOLVING VIOLATIONS OF COUNTY ORDINANCES.**

The state court of the County of Richmond shall have the jurisdiction to hear and determine cases involving violations of the ordinances of Richmond County. Jurisdiction of the court shall extend throughout the entire territorial limits of Richmond County, Georgia, and all of the following provisions shall apply to the prosecutions for violations of any ordinance of Richmond County.

All prosecutions for violations of any ordinance of Richmond County shall be commenced within one year next after commission of the offense, and at no time thereafter, except that such period of limitation shall not run so long as the offender or offense is unknown and shall be suspended during such time as such offender may abscond from said county or absent himself therefrom, or so conceal himself that he cannot be arrested or summoned to appear before said court.

The judge of state court shall have power to hear and determine all cases involving violations of ordinances of Richmond County. Upon conviction of violation of any ordinance of Richmond County, the judge may punish such offender by a fine not to exceed \$300.00, by imprisonment in the county jail for a period not in excess of 60 days, to work in the work gang on the public streets, or on such public works as the county authorities may employ the work gang, not to exceed 60 days, or by any one or more of such punishments. The sheriff of Richmond County shall receive, confine, feed and care for prisoners sentenced by said state court for violations of any ordinance of Richmond County to imprisonment in the county jail in the same manner as persons charged with an indictable offense under the general laws of this state and is subject to the same penalties for his refusal to receive and take charge of such persons, except the prisoners received under sentence from said state court may be confined separately and apart from other classes of inmates of said jail as the sheriff may, in his discretion, provide and as general laws may require.

Said state court shall have the power and authority to impose fines on persons convicted of violation of any ordinance of Richmond County, with the alternate of imposing other punishment allowed by law in case said fines are not paid and to commit prisoners to the Richmond County jail or to the public works gang that may be prescribed and maintained by Richmond County.

The judge of said state court shall have the authority to reduce any sentence or fine imposed by him prior to the payment of said fine and execution of said sentence, but shall not have the right to grant a new trial. Review of any final order or judgment of said state court shall be by certiorari to the Superior Court of Richmond County in the same manner prescribed by law for certiorari from justice courts and a supersedeas may be obtained by compliance with the procedures set forth in section 5-4-20 of the Georgia Code Annotated and the giving of bond provided therein, which bond shall be made to Richmond County.

In each case of a conviction in said state court, the cost assessable shall be \$2.50 per case, and shall go into the general fund of the county for general accounting purposes.

Any person charged with violation of an ordinance of Richmond County shall be informed by citation served on him, shall have compulsory process for obtaining witnesses in his behalf, shall have a speedy trial before the judge of said state court, shall be confronted with the witnesses against him, and have the privilege of cross-examination, as in the superior Courts within the state; and shall have the privilege of defending himself by counsel or by himself, or both, as to him which shall seem proper. No one shall be fined or punished without full opportunity of being heard in his own defense.

Said state court shall have the authority to compel the attendance before any of its sessions of witnesses within the limits of Richmond County by service upon such witnesses of a subpoena from said Court directed to the witness, stating the time and place of trial, and the parties to the case, and which shall be served upon such witness either personally or by

leaving a copy at his place of residence by a deputy sheriff.

The name of the clerk of said state Court required on subpoenas and other papers may be printed or stamped on such papers, which shall be in compliance with the law and shall have the same force and effect as if written thereon by the clerk. (Ga. Laws 1975, p. 3867, sec. 1.)

**§ 5-73. ATTACHMENTS.**

All acts and parts of acts already or hereafter passed upon the subject of attachment or garnishment, or legislating as to any matter whatever in the superior courts of this state, shall apply to said state court as if named with the superior courts in said acts, so far as the nature of said state court will admit. The judge of said state court, or any justice of the peace or notary public, or other officer authorized by law to do so, may issue attachments and garnishments returnable to the said state court, under the same laws governing attachments or garnishments returnable to the superior courts of this state. (Ga. Laws 1880-81, p. 574, sec. 18.)

**§ 5-74. ACCUSATION AND PROCEEDINGS IN CRIMINAL CAUSES.**

Defendants in criminal causes where the prosecution originates in said state court, or where such defendants are bound over to said state court by any justice of the peace or notary public, shall be tried on written accusations, setting forth plainly the offense charged, founded on affidavit containing the name of the accuser, and signed by the solicitor of said court. The proceedings, after accusation, shall conform to the rules governing in the superior court, except there shall be no jury trial, unless demanded, as hereinbefore provided, by the accused. In all cases tried upon accusations, the offense shall be therein charged with the same particularity, both as to matter of form and substance, as is required by the laws and rules of criminal pleading to be observed in bills of indictment in the superior courts. (Ga. Laws 1880-81, p. 574, § 32.)

**§ 5-75. WRIT OF ERROR.**

A writ of error shall lie direct from the said state court to the supreme court of this state, upon a bill of exceptions filed under the same rules and regulations as govern and control the issue of writs of error and filing of bills of exceptions in the superior courts of this state. (Ga. Laws 1880-81, p. 574, § 33.)

**§ 5-76. ENFORCEMENT OF JUDGMENTS.**

All laws regulating the enforcement of the judgments of the superior court, whether civil or criminal, shall apply to said state court, and execution shall issue and be levied, and sales be had, under the same rules and laws regulating the same in the superior court. (Ga. Laws 1880-81, p. 574, § 34.)

**§ 5-77. WAIVERS.**

In all cases in said state court the same powers and rights of parties as to waivers in pleading or procedure, or other matters pertaining to the same, shall be allowed and upheld, as are allowed and upheld by the laws and rules governing parties in the superior courts. (Ga. Laws 1880-81, p. 574, § 39.)

**§ 5-78. NEW TRIAL.**

The judge of said state court shall have power to grant a new trial in any case, civil or criminal, in his court, upon the same terms and conditions, and under the same laws and regulations in every respect governing the granting of new trials in the superior courts. All rules of pleadings, practice and procedure governing motions, rules nisi, and other proceedings in new trials in the superior court, shall apply to and govern the same in said state court. (Ga. Laws 1880-81, p. 574, § 44.)

**§ 5-79. CRIMINAL CASES--GENERALLY.**

The judge of said state court shall have power to try all criminal cases within the jurisdiction of said state court, and dispose of the same without a jury, in all cases in which the defendant shall not demand a jury to try his case; when such demand for a jury is made by any defendant in a criminal case before the introduction of evidence therein, said case shall be placed upon the docket of said state court for trial at the regular term of said court as other cases in which juries are demanded. (Ga. Laws 1880-81, p. 574, § 27.)

**§ 5-80. SAME--INDICTMENT.**

In all criminal cases within the jurisdiction of the said state court, the defendant shall not have the right to demand an indictment by the grand jury of the County of Richmond. (Ga. Laws 1893, p. 386.)

**§ 5-81. CIVIL CASES TRIED WITHOUT JURY.**

The judge of said state court shall have power and authority to hear and determine all civil cases over which said court has jurisdiction, and to give judgment, and award execution thereon without the intervention of a jury; but any party in any case, at any time before the call of said case for trial, shall be entitled to demand and have at the trial jury to try said case. (Ga. Laws 1880-81, p. 574, § 26; Ga. Laws 1886-87, p. 713.)

**§ 5-82. TERMS OF COURT--GENERALLY; DEFAULT JUDGMENT.**

(a) The State Court of Richmond County shall have six terms each year.

(b) Beginning with January, 1896, the regular terms of said court shall be held on the first Monday in January, March, May, July, September and November of each year, and shall continue from day to day, and from time to time, as the judge in his discretion may determine, until the business of said court is disposed of.

(c) The docket of cases brought to any of said terms of said court shall be called on the third Saturday of each of the months during which said terms begin, or at such other time after the third Saturday as the judge may by rule establish.

(d) All cases in which there has been personal service, if the defendant is a person, or if a corporation, personal service on the officer thereof, and in which no demurrer, plea or other defense has been filed, on or before the call of the said docket, shall be considered in default, and in all such undefended cases the said court shall enter up judgment for the plaintiff against the defendant.

(e) The judge of said state court shall hold his court, in his discretion, at the same place, at any other time for the transaction of criminal business, which does not require a jury, as speedily as possible, consistent with the interest of the state and the accused, and may also, if necessary, hold adjourned terms of the regular quarterly terms, for which adjourned terms he may either draw new juries or require the same to serve as, in his discretion, may seem best. (Ga. Laws 1880-81, p. 574, § 21; Ga. Laws 1895, p. 393.)

**§ 5-83. TRIAL TERM OF CIVIL CASES.**

In all civil cases in said state court the term next after the term to which the process is made returnable shall be the regular trial term of said cases; provided, always that judgments upon suits for rent may be rendered at the first term. (Ga. Laws 1880-81, p. 574, § 22.)

#### **§ 5-84. DISPOSITION OF FINES.**

All moneys arising from jury fines, fines imposed for violation of penal laws, and other fines, and collected from forfeited recognizances in said state court, shall be subject to the payment of the fees of the solicitor, clerk, sheriff and other officers of said state court in criminal cases; provided, that in every case of presentment or bill of indictment, sent down from the superior court, in which costs, or fine and costs, are collected out of the defendant in the state court, that the costs of the district attorney of the Augusta Judicial Circuit, and the clerk and sheriff of the superior court, in such cases, shall first be paid out of said costs in the case, but for their insolvent costs, the officers of the said state court above referred to shall have a lien upon the fines and forfeitures above mentioned, raised in the state court, superior to the lien of the officers of superior court for their insolvent costs. (Ga. Laws 1880-81, p. 574, § 36.)

## **§ 5-85. INSOLVENT COSTS.**

It shall be the duty of the clerk of the said state court to send up to the superior court at each term thereof, a statement of the amount of insolvent costs due to the officers of the superior court, and uncollected upon cases transmitted from the superior court to said state court for trial, which have been finally disposed of in said state court, which amount shall be first paid from any balance of fines and forfeitures in said state court that may at any time remain after full payment of the insolvent costs of the officers of the said state court, as hereinbefore provided, and should any balance remain of such fines and forfeitures after full payment, in the order prescribed, of all insolvent costs due both the officers of the state court and the officers of the superior court, such balance shall be paid into the treasury of the County of Richmond; provided, that nothing herein contained, as to the payment of such insolvent costs due the officers of the superior court, shall prohibit the payment of the same from any fines and forfeitures in the superior court, and whenever the costs in any case transmitted from the superior court to said state court are paid in the latter court, it shall be the duty of the clerk thereof to retain and pay over to the officers of the superior court costs in that case, as provided above. (Ga. Laws 1880-81, p. 574, § 37.)

**§ 5-86. ATTACHMENT AGAINST CLERK.**

In any case where it may be necessary to attach the clerk of said state court, it shall be lawful for the judge of said court to call in the services of the clerk of the city council of Augusta, and the chief of police of said City of Augusta shall be competent to enforce any attachment by said judge against the sheriff of said state court, and the clerk and sheriff of said state court may sue and be sued in said court, but when the clerk may be party defendant in any action, the process shall be signed by the judge, and said clerk shall be required to copy the petition and annex the process thereto, and the said clerk shall also be required to make out final process in any case in which he may be interested as in other cases, which shall be signed by the judge and executed as in other cases; and in all cases before said court in which the sheriff thereof shall be plaintiff or defendant, the process shall be directed to the chief of police and all and singular the policemen of the City of Augusta, and may be served by any one of them, and subsequent proceedings thereon shall be as in other cases, the said chief or other policemen taking the place of the sheriff. (Ga. Laws 1880-81, p. 574, § 38.)

**§ 5-87. JUDGMENT LIENS AND THEIR EXECUTION.**

All judgments obtained in said state court, shall be a lien upon all the property of the defendants throughout the state; and all executions shall bear test in the name of the judge of said state court, be issued and signed by the clerk of said state court, and be directed to the sheriff or his deputy of said state court, and all and singular the sheriffs or their deputies of this state, and may be levied on any of the property of the defendants to be found in this state. (Ga. Laws 1880-81, p. 574, § 23.)

**§ 5-88. PRODUCTION OF BOOKS, PAPERS, ETC.**

The said state court is empowered to compel the production of books, papers and writings in the same manner and under the same rules and regulations, as are provided by law for the production, of the same in the superior court. (Ga. Laws 1880-81, p. 574, § 25.)

**§ 5-89. JUDGE AND SOLICITOR--TERMS.**

The terms of office of said judge and solicitor elected at said election to be held on the first Wednesday in October, 1908, shall begin September 24, 1909, and extend to January 1, 1913, or until their successors are elected and qualified. The terms of judge and solicitor elected on the first Wednesday in October, 1912, shall commence January 1, 1913, and be for four years. (Ga. Laws 1907, p. 228, § 2)

**§ 5-90. SAME--FILING VACANCY IN OFFICE.**

In the event of a vacancy in the office of judge or solicitor of said court, from death, resignation, or other cause, the governor shall appoint a judge or solicitor, as the case may be, to hold office until the next general election for county officers, when an election shall be held for the unexpired term. The judge or solicitor elected at said general election shall be commissioned by the governor, and shall hold office for the remainder of said term, or until his successor is elected and qualified. (Ga. Laws 1907, p. 228, § 3)

**§ 5-91. SAME--QUALIFICATIONS.**

No person shall be judge of the State Court of Richmond County unless at the time of his election he shall have attained the age of 30 years, and shall have been a citizen of the county for three years, and shall have practiced law seven years; and no person shall be hereafter elected or appointed solicitor of the State Court of Richmond County unless at the time of his election he shall have attained 25 years of age, shall have been a citizen of the county for three years, and shall have practiced law three years next preceding his election. (Ga. Laws 1907, p. 228, § 4)

## § 5-92. ADDITIONAL JUDGE

(a) There shall be an additional judge of the State Court of Richmond County. Such additional judge shall be appointed by the Governor for an initial term beginning on July 1, 1997, and expiring December 31, 1998, and upon the election and qualification of a successor. The successor shall be elected at the general election immediately preceding the expiration of the term of office and shall take office on the first day of January immediately following his or her election for a term of four years and until his or her successor is elected and qualified.

(b) Said additional judge shall have and may exercise all powers, duties, jurisdictions, privileges, and immunities of the present judge of the State Court of Richmond County and, except as otherwise provided in this section, the provisions of this Act and of the general law applicable to said present judge, including but not limited to the provisions setting forth the qualifications for holding office as judge, shall apply equally to such additional judge. The judges of said court may preside over any cause and perform any official act as judge thereof.

(c) (1) Said additional judge shall receive the same compensation as the present judge of the State Court of Richmond County; provided, however, the chief judge shall receive additional compensation for performing the handling of the administration and operation of the State Court of Richmond County.

(2) Any salary supplement heretofore enacted by Augusta-Richmond County shall also be applicable to the additional judge.

(d) The judge of the State Court of Richmond County who has served the longest period of time in office as judge of said court shall be the chief judge of the State Court of Richmond County. The other judge shall be an associate judge of the State Court of Richmond County.

(e) Such chief judge shall be responsible for the administration and the expeditious disposition of the business of the state court, both civil and criminal, and shall have power to make such rules as he or she shall deem necessary or proper for such purpose but not in conflict with the general laws of this state, which rules, when approved by said chief judge and filed in the office of the clerk of the State Court of Richmond County, shall be binding upon the other judge or judges of said court. The chief judge shall be vested with the power to make all appointments whenever the law provides for the state court judge to make appointments. Such chief judge may by published rule, or from time to time by order, allocate the jurisdiction and powers of the state court of said county and the duties of the judges thereof; may assign to the judge or judges of said court such business of said court as the chief judge shall deem appropriate; may make and publish calendars, both civil and criminal; may require reports from the clerk of the court and from any judge of said court relative to business of the court; and generally shall supervise and direct the disposition of all business, both civil and criminal, of said court. (Ga. Laws, 1997, p. 4414)

**§ 5-93. CLERK AND SHERIFF.**

The clerk and sheriff and their deputies of the Superior Court of Richmond County shall be ex officio clerk, sheriff and deputies of said state court, and for services rendered in said state court shall be entitled to the same fees as are allowed them by law in the superior court, and shall discharge the same duties and be subject to the same obligations and penalties, and for services rendered where no compensation is provided by law they shall receive such compensation as the judge of said court shall in his discretion grant; but all bills of insolvent costs that may become due said clerk, sheriff and deputies for services rendered in said state court shall be paid in the same manner as is provided in the fourth section of this act for the payment of the insolvent costs of the solicitor of said state court; that is to say that all bills of insolvent costs that may become due said clerk, sheriff and deputies for services rendered in said state court, when examined and approved by the judge of said state court, shall, upon presentation, be paid by the treasurer of the county out of any funds which may be in the treasury. (Ga. Laws 1880-81, p. 574, § 5; Ga. Laws 1882-83, p. 527)

## JUDGES

### § 5-94. OATH.

Before entering upon the discharge of the duties of his office, the judge of the said state court shall take and subscribe the oath of all civil officers, and in addition thereto, the following, viz:

*"I solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and the rich; and that I will faithfully and impartially discharge and perform all the duties which may be required of me as judge of the State court of the County of Richmond, of this state, according to the laws and constitution of this state, and the Constitution of the United States, so help me God."* (Ga. Laws 1880-81, p. 574, § 3)

**§ 5-95. POWERS--GENERALLY.**

The judge of said state court shall have power to cause testimony to be taken and used de bene esse, and for the purpose of perpetrating testimony within his jurisdiction, in all cases according to the general laws of the state; and the judge and all other officers of the said state court shall have power, respectively, to administer all oaths pertaining to their offices as the judge and other officers of the superior court may in like cases do; and said judge shall also have power to attest deeds and other papers and administer affidavits, in all cases, anywhere in the state, in which by existing laws such papers may be attested and affidavits administered by justices of the peace of this state, and the judge of said state court shall have all the powers and authority, throughout his jurisdiction, of judges of the superior courts, except when by law exclusive power and authority are vested in judges of the superior courts, and all laws relating to and governing judges of the superior courts shall apply to the judge of said state court, so far as the same may be applicable, except as herein provided. (Ga. Laws 1880-81, p. 574, § 35)

**§ 5-96. SAME--ENFORCE ORDERS, PRESERVE ORDER, PUNISH CONTEMPT, ETC.**

The judge of said state court shall have the same power to enforce his orders, to preserve order, punish for contempt, and to enforce all his judgments, as is vested by law in the judges of the superior courts of this state. (Ga. Laws 1880-81, p. 574, § 35)

**§ 5-97. PRACTICE OF LAW PROHIBITED.**

The judge of the State Court of Richmond County shall not engage in the private practice of law. (Ga. Laws 1943, p. 806; Ga. Laws 1976, p. 3155, § 1; Ga. Laws 1981, p. 3544, § 1)

**§ 5-98. ABSENCE.**

In case of the absence of said state judge from any cause at any term of said court, it shall be the duty of the clerk or the sheriff of said court to adjourn the court to such day as the judge may in writing direct. (Ga. Laws 1880-81, p. 574, § 24)

**§ 5-99. ATTORNEY TO PRESIDE WHEN JUDGE DISQUALIFIED.**

In any case in said state court in which said state judge may be from any cause disqualified the parties may agree, either themselves or by counsel, upon some attorney to preside in that case in his place, and said state judge shall have an order to that effect placed upon the minutes of said court. (Ga. Laws 1880-81, p. 574, § 29)

**§ 5-100. JUDGES OF SUPERIOR COURT AND STATE COURT MAY PRESIDE IN EITHER COURT.**

The judge of the superior court and the judge of said state court may preside in the court of each other in cases where the judge of either court is disqualified to preside from any cause. (Ga. Laws 1880-81, p. 574, § 28)

**§ 5-101. CREATION OF SECOND DIVISION.**

There is created a second division of the State Court of Richmond County. The second division of the state court shall be governed by the provisions of general law contained in Chapter 7 of Title 15 of the O.C.G.A., relating to state courts, and by the additional provisions of this part.

**§ 5-102. ASSOCIATE JUDGE; POWERS AND DUTIES; APPOINTMENT.**

(a) In addition to all other judges of the state court, there shall be one judge of the second division who shall be known as an associate judge of the State Court of Richmond County. The qualifications and election of the associate judge shall be as provided by general law.

Except as otherwise provided in this section, said associate judge shall have and may exercise all powers, duties, jurisdictions, privileges, and immunities of the present judge of the State Court of Richmond County under the provision of this Act and the general law applicable to said present judge.

(b) The initial associate judge shall be appointed by the Governor for an initial term beginning on July 1, 1997, and expiring on December 31, 1998, and upon the election and qualification of a successor.

**§ 5-103. SALARY.**

(a) The associate judge shall receive the same compensation as the present judge of the State Court of Richmond County payable in equal monthly installments from the funds of Augusta-Richmond County, Georgia. The associate judge is designated as a full-time judge and may not engage in the private practice of law.

(b) Any salary supplement heretofore enacted by Augusta-Richmond County, Georgia, shall also be applicable to the associate judge.

**§ 5-104. CHIEF JUDGE.**

The judge of the State Court of Richmond County who has served the longest period of time in office as judge of said court shall be the chief judge of the State Court of Richmond County.

**§ 5-105. SAME--POWERS AND DUTIES; COMPENSATION.**

(a) The chief judge of the State Court of Richmond County may order that any or all of the following matters shall be automatically assigned to the second division of the court:

- (1) All cases involving violations of the traffic laws of the State of Georgia;
- (2) The hearing of applications for and the issuance of arrest and search warrants;
- (3) The holding of courts of inquiry; and
- (4) Any other matters within the jurisdiction of the court.

(b) The provisions of this section shall not limit the power of the associate judge to hear and decide any matter within the jurisdiction of the court; but the associate judge shall hear and decide only such matters as are assigned to the second division by order of the chief judge.

(c) This section shall not limit the power of the associate judge to punish contempts in the same manner as any other judge of state court.

(d) The chief judge shall receive additional compensation for performing the handling of the administration and operation of the State Court of Richmond County.

**§ 5-106. SAME--ADDITIONAL POWERS.**

Such chief judge shall be responsible further for the administration and the expeditious disposition of the business of the state court, both civil and criminal, and shall have power to make such rules as the chief judge shall deem necessary or proper for such purpose but which are not in conflict with the general laws of this state. Such rules, when approved by the chief judge and filed in the office of the clerk of the State Court of Richmond County, shall be binding upon the other judge or judges of said court. The chief judge shall be vested with the power to make all appointments whenever the law provides for the state court judge to make appointments. Such chief judge may by published rule, or from time to time by order, allocate the jurisdiction and powers of the state court of said county and the duties of the judges thereof; may assign to the other judge or judges of said court such business of said court as the chief judge shall deem appropriate; may require reports from the clerk of the court and from any judge of said court relative to business of the court; and generally shall supervise and direct the dispositions of all business, both civil and criminal, of said court.

**§ 5-107. OATH.**

The associate judge shall take an oath to faithfully administer and discharge the duties of his or her office in accordance with the Constitution and laws of the State of Georgia, which oath may be administered by any officer authorized under the laws of this state to administer oaths.

## SOLICITOR

### **§ 5-108. DUTIES; FEES; ASSISTANT SOLICITOR.**

It shall be the duty of the solicitor to represent the State of Georgia in all cases in said state court in which the state shall be a party, and in the supreme court in such cases upon writs of error from said state court. All bills for insolvent costs that may become due to said solicitor, when examined and approved by the judge of the said court, shall, upon presentation, be paid by the treasurer of the county out of any funds which may be in the treasury. The fees of the solicitor, for services rendered in the supreme court, shall be paid by the state, on the warrant of the governor, in all cases where the said solicitor shall present the certificate of the clerk of the supreme court as to services, and of the clerk of the said state court to the effect that the defendant was acquitted or was unable to pay the costs.

The solicitor of the State Court of Richmond is authorized to appoint, subject to the approval of the judge of the state court, an assistant solicitor. The assistant solicitor shall serve at the pleasure of the judge and solicitor of the state court. Any assistant solicitor shall have been a resident of Richmond County for a period of not less than one (1) year prior to his appointment, shall be at least twenty-one (21) years of age at the time of appointment, and shall be a member of the State Bar of Georgia and qualified to practice law. The assistant solicitor shall, before assuming office, take the same oath of office as that prescribed for the solicitor. The assistant solicitor shall have such authority as may be delegated to him by the solicitor and, when acting on behalf of or for the solicitor, shall have all the power and authority vested in the Solicitor of the State Court of Richmond County. The salary of the assistant solicitor shall be established by the governing authority of Richmond County and shall be paid from county funds. (Ga. Laws 1880-81, p. 574, § 4; Ga. Laws 1981, p. 3544, § 2)

**§ 5-109. LIMITATIONS ON CRIMINAL LAW PRACTICE.**

The solicitor of the State Court of Richmond County shall not practice criminal law in any of the courts of this state, except in the discharge of the duties of the office of solicitor of said court, or prosecuting and/or assisting in the prosecution of cases in other courts. (Ga. Laws 1931, p. 369)

**§ 5-110. GENERALLY.**

(a) The solicitor-general of the state court shall be a full-time solicitor-general as provided in Code Section 15-18-63 of the O.C.G.A. or any statute which succeeds such Code section.

(b) The solicitor-general shall not engage in the private practice of law.

(c) The solicitor-general shall receive a salary of \$64, 000.00 per annum payable in equal monthly installments from the funds of Augusta-Richmond County. Any salary supplement heretofore enacted by Augusta-Richmond County shall continue to be applicable to the solicitor-general, and Augusta-Richmond County may enact such supplements from time to time.

(d) The solicitor-general of the State Court of Richmond County holding office on the effective date of this Act shall continue in office until the expiration of the term of office to which such solicitor-general was elected.

**§ 5-117. APPLICATION OF GENERAL LAW TO JURIES.**

All laws in reference to the qualification, relations, drawing, summoning and empaneling jurors, and of challenging, now of force in this state, or hereafter enacted by the general assembly regulating the same in the superior courts, shall apply to and be observed in said state court, except where said general laws are inconsistent with the provisions of this act, or any amendments thereof hereafter made. (Ga. Laws 1880-81, p. 574, § 9)

**§ 5-118. LIST.**

All persons liable to serve as grand and petit jurors in the superior court of said county, shall be liable to serve as petit jurors of said state court, and it shall be the duty of the clerk of the said state court to copy into a book to be provided at the public expense, the lists of all names of persons liable to serve as jurors, grand and petit, in the said superior court, to be taken from the lists of said superior court, under the supervision of the judge of said state court, and to make a new list as often as said superior court jury lists are revised, to conform to said revision, which said book containing the list of persons so liable to serve as jurors in said state court, as above directed, shall be alphabetically arranged, and shall be kept in the office of the clerk of said state court. The said clerk shall also make out tickets equal in number to the number of names on said lists, and write upon each the name of one of said persons, and deposit the same in a box to be provided at the public expense, and numbered one, until there shall be a ticket in said box bearing the name of each person on said list. (Ga. Laws 1880-81, p. 574, § 6)

## **§ 5-119. DRAWING JURY.**

During the session of said state court at each term, in open court, the judge shall draw from said box number one, 24 names of persons to serve as jurors at the next term thereafter of the said state court, and shall cause the clerk to record the names so drawn, and then deposit the tickets in another box, to be provided at the public expense, and numbered two. These boxes shall be so constructed as to be kept under one seal and lock, and shall be kept sealed and shall not be opened by any person except the judge of the said state court, or the judge of the superior court when presiding in his place, for the purpose of drawing jurors in open court, except in cases when, from failure to draw a jury in term time, or from other cause, it may be necessary to draw a jury for said state court in vacation. If from any cause it should become necessary to draw a jury for said state court in vacation, either the judge of said state court or a superior court judge may at any time, 20 days before the next term of said state court, in the presence of the clerk and sheriff of said state court, proceed to draw juries in the manner above prescribed. The clerk shall keep said jury boxes and the sheriff shall keep the key, and it shall be duty of the clerk of said state court, to prepare said jury lists in boxes as hereinbefore provided, and after said boxes are prepared the jury to serve at the first quarterly term of said court shall be drawn, as above provided for drawing juries in vacation. (Ga. Laws 1880-81, p. 574, § 7)

**§ 5-120. JURORS--SUMMONING.**

The clerk shall make out a precept, containing the names of the persons drawn, as above directed, and a summons for each juror and deliver the same to the sheriff, 15 days before the next term of the said state court, whose duty it shall be to serve each of said persons by handing him a summons personally, or by leaving the same at his most notorious place of abode, at least 10 days before the term of the said state court at which he is required to attend. (Ga. Laws 1880-81, p. 574, § 8)

**§ 5-121. SAME--CHALLENGES.**

In criminal cases, the defendant shall be entitled to seven peremptory challenges, and the state to five, and in civil cases the plaintiff and defendant shall be each entitled to six, and all laws and rules, both civil and criminal, regulating the selection of juries in the superior courts, shall apply to said state court, except where they are inconsistent with the provisions of this act, and any amendments which may hereafter be made. (Ga. Laws 1880-81, p. 574, § 11)

**§ 5-122. SAME--PER DIEM.**

All jurors in said state court, whether belonging to the regular panel or talesman, shall receive \$1.00 per day for their services for every day of actual attendance, and shall be paid in the same manner, and under the same regulations, as jurors in the superior court. Separate juries shall be drawn for each week of each term of said court and jurors shall serve only for one week in each term unless when a juror is serving on the trial of a case lasting over from one week till another. Jurors shall be drawn, served, summoned, impaneled, and shall serve only for the same length of time in each year, as is now or may hereafter be allowed in the superior court. (Ga. Laws 1880-81, p. 574, § 45; Ga. Laws 1886-87, p. 713)

**§ 5-123. TWO JURIES TO BE DRAWN FROM PANEL.**

From said panel of 24 jurors drawn and summoned as above directed, the judge of said state court, shall cause to be made up two juries, of 12 jurors each, which shall be known and distinguished as juries members one and two, and all cases and issues to be tried by jury, at that term in said state court, civil or criminal, shall be tried by one of these, or by a jury stricken from both, as hereinafter provided. In case from any cause said panel should be reduced below 24, the judge presiding in said state court shall have power to fill it by causing talesman to be summoned instanter. (Ga. Laws 1880-81, p. 574, § 10)

## **CIVIL COURT**

### **§ 5-133. CREATION.**

A Civil Court of Richmond County is hereby established and created, and from and after January 1, 1933, and the election and qualification of the officers of said Civil Court of Richmond County, Georgia, no justice court, or justice of the peace or notary public ex officio justice of the peace or constable shall have or exercise any jurisdiction civil or criminal, within the city limits of Augusta, Georgia, as they now or may be hereafter defined. (Ga. Laws 1974, p. 2410, § 1)

**§ 5-134. JURISDICTION--CRIMINAL JURISDICTION; CONTINUATION OF POWER, AUTHORITY OF CLERK, DEPUTIES; CIVIL CASES ARISING UNDER COMMON LAW OR BY STATUTE; JURISDICTIONAL AMOUNT; CRIMINAL EFFECT OF COUNTERCLAIM OR SETOFF.**

(a) The criminal jurisdiction of the civil court shall be the same as that now or hereafter conferred upon the magistrate courts of this state.

(b) The clerk and each deputy clerk of the Civil Court of Richmond County shall continue to exercise the power and authority, under the immediate supervision of the chief judge or the presiding judge of said court, to issue warrants for the arrest of persons charged with the commission of crimes committed in Richmond County, to the same extent as these clerks and deputy clerks have heretofore been authorized to act.

(c) The jurisdiction of the civil court of said county as to all civil cases, proceedings, summary and statutory, claims or counterclaims, arising ex contractu or ex delicto, shall be concurrent with the jurisdiction of the state court of said county in every civil claim, matter or proceeding in which the principal amount claimed, indebtedness, damages or value of property claimed in controversy by any party litigant does not exceed \$45,000.00, exclusive of interest, hire, statutory penalty, attorney's fee and court costs.

(d) Should any defending party file a counterclaim or setoff which seeks an affirmative recovery for a principal amount or value in excess of \$45,000.00 and the jurisdictional limits of the civil court as heretofore defined, upon such fact being brought to the attention of the court, the judge of the civil court to whom the case or matter is assigned shall pass an order transferring the entire case or matter to the State Court of Richmond County, Georgia, or to the superior court, if made necessary by the character of the relief sought, for all future action, unless the case shall be transferred back to the civil court by the higher court. After crediting the plaintiff's cost deposit to the clerk of civil court, the defendant shall be required to pay to the clerk of state and superior court any additional cost to file the pleadings and record in the higher court to which the defendant has required the case to be transferred. (Ga. Laws 1974, p. 2410, § 2; Ga. Laws 1981, p. 3575, § 1; Ga. Laws 1984, p. 4467, § 10; Ga. Laws 1990, p. 4109, § 1)

**§ 5-135. SAME--DISTRESS WARRANTS; DISPOSSESSORY WARRANTS; EVICTION.**

The Civil Court of Richmond County, Georgia shall have jurisdiction to try and determine all distress warrants and dispossessory warrants and proceedings to evict intruders, and to dispossess and remove tenants holding over. The plaintiff in such proceedings shall have the right to direct the return of the same as to the issues to be tried thereon to either the Civil Court of Richmond County, Georgia, or to the Superior Court of Richmond County, Georgia; provided, such election is stated in the warrant or affidavit or counter-affidavit at the time the same is filed, and if no such election is so stated said warrant or affidavit shall be returnable to the Civil Court of Richmond County, Georgia. And in the event that said warrant should be contested and triable in the Civil Court of Richmond County, Georgia, all issues of law and fact formed thereon by counter-affidavit or otherwise shall be tried by the judge of said court without the intervention of jury, unless a demand for jury trial is filed at the time of filing said warrant, affidavit, counter-affidavit or pleadings thereon, either by the plaintiff or defendant. Failure to file such a demand for trial by jury shall be deemed as a waiver of a jury trial. (Ga. Laws 1974, p. 2410, § 3)

**§ 5-136. CHIEF JUDGE--ELECTION.**

There shall be a judge of said civil court, who shall be known as the chief judge, whose term of office shall be four years and who shall be elected by the qualified voters of the County of Richmond quadrennially at the regular state election for the election of members of the general assembly and in the same year in which presidential elections are held; provided that the chief judge of said court first elected under the terms of this act [article] shall be elected on the third Wednesday in December, 1932, at the election to be held for that purpose; provided, further, that all qualified voters of the county resident in and/or outside of the City of Augusta shall be permitted to vote in the voting precinct in which they live in the same manner as they vote for other candidates for other state and/or county officers. (Ga. Laws 1974, p. 2410, § 4)

**§ 5-137. SAME--OATH; QUALIFICATIONS.**

The chief judge of said civil court shall be commissioned by the governor and before entering upon the duties of his office shall take the same oath required by law of superior court judges; any person who shall be elected chief judge or appointed clerk or marshal of said civil court must at the time of his election or appointment be a qualified voter of Richmond County, and the chief judge of said court must have the same qualifications as the judges of the superior court and state court. The chief judge of said court shall be subject to the same restrictions as imposed by law upon the superior court judges relative to the prohibition of practicing law. (Ga. Laws 1974, p. 2410, § 6)

**§ 5-138. SAME--VACANCY.**

Every vacancy in the office of chief judge of said civil court, occasioned by death, resignation, retirement or other cause shall be filled by appointment of the governor for the unexpired term thereof. (Ga. Laws 1974, p. 2410, § 6)

## **§ 5-139. ASSOCIATE JUDGE.**

There shall be an associate judge of civil court who shall have the same qualifications as required of the chief judge of said court. The said associate judge shall exercise all the functions, have the same powers and perform the same duties and have the same jurisdiction as the chief judge thereof, except as may be otherwise provided in this act [article]. The compensation of said associate judge shall be \$51,852.00 per annum, to be paid as the other officers of said court are paid; provided that the associate judge shall be prohibited from the practice of law in the Civil Court, Richmond County, Georgia, only. The said associate judge shall be appointed by the governor within 30 days after this act [article] is approved or otherwise becomes law and his office shall run concurrent with the terms of the office of the chief judge; thereafter he shall be elected in the same manner and at the same time as the chief judge. When a vacancy occurs in the office of associate judge of said civil court, occasioned by death, resignation or other cause, it shall be filled by appointment of the governor for the unexpired term thereof. (Ga. Laws 1974, p. 2410, § 8; Ga. Laws 1976, p. 3155, § 1; Ga. Laws 1982, p. 3941; Ga. Laws 1983, p. 4173; Ga. Laws 1984, p. 4642; Ga. Laws 1985, p. 5003; Ga. Laws 1987, p. 5361; Ga. Laws 1989, p. 4113; Ga. Laws 1992, p. 6068; Ga. Laws 1996, p. 4405)

## **§ 5-140. POWERS OF JUDGES.**

The chief judge of said civil court and the associate judge are hereby clothed with the same powers and authority as is conferred by the constitution and laws of this state upon a justice of the peace, judge of superior court, and with such additional rights, powers, and jurisdiction as is provided by the terms of this act [article]; said chief judge of said civil court and the associate judge shall have the power and authority, under the limitations set out in this act [article], to hear, determine, and dispose of all cases and actions, both civil and criminal, of which said court has jurisdiction, and to give judgment and execution therein; to hold court from day to day continuously, if necessary, to the dispatch of the business of said court. The chief judge of said court and the associate judge shall have the same power to preserve order, to compel obedience to their orders, to inflict summary punishment for contempt, to enforce the judgment of their court, as is given by law to the judges of the superior courts of this state; provided, however, that said judges shall have no power to impose punishment for contempt exceeding a fine of \$300.00 and/or 30 days in the county jail. The judges of said civil court shall have, in addition to the powers enumerated in this section, all the powers, prerogatives and authority, in matters wherein the subject matter and the amount involved are not beyond the jurisdiction of said court that are conferred upon the judges of the superior court, and said powers, prerogatives and authority shall apply to the chief judge of said civil court and the associate judge, so far as the same may be applicable, unless inconsistent with the provisions of this act [article]. (Ga. Laws 1974, p. 2410, § 7)

## **§ 5-141. SALARIES OF CHIEF JUDGE AND COURT EMPLOYEES.**

The salary of the chief judge of civil court shall be \$51,267.00 per annum; the salary of the clerk of said court shall be fixed by the chief judge from time to time at an amount not to exceed \$9,720.00 per annum and the clerk of said court shall have the power, by and with the consent of said chief judge of said court, to appoint a chief deputy clerk and the salary of the chief deputy clerk shall be fixed by the chief judge from time to time at an amount not to exceed \$7,620.00 per annum, and the clerk of said court shall have the power by and with the consent of the chief judge of said court to appoint six deputy clerks and the salary of each of said deputy clerks shall be fixed by the chief judge from time to time at an amount not to exceed \$6,300.00 per annum. The salary of the marshal of said court shall be fixed by the chief judge from time to time at any amount not to exceed \$10,740.00 per annum and the marshal of said court shall have power by and with the consent of the chief judge of said court to appoint a chief deputy marshal and the salary of the chief deputy marshal shall be fixed by the chief judge from time to time at an amount not to exceed \$8,400.00 per annum, and 11 deputy marshals and the salary of each deputy marshal shall be fixed by the chief judge from time to time at an amount not to exceed \$7,260.00 per annum; provided, however, that said chief deputy marshal, chief deputy clerk or deputy clerks, or deputy marshals shall serve only during such time as both the chief judge and the clerk and/or marshal may deem their services necessary and to the best interest of the court. Any such deputy clerk or deputy marshal at any time, and any such vacancy or vacancies this created shall be filled in the same manner as such officers were originally appointed under this act [article], as amended. (Ga. Laws 1974, p. 2410, § 9; Ga. Laws 1976, p. 3155, § 1; Ga. Laws 1978, p. 3347, § 1; Ga. Laws 1982, p. 3941; Ga. Laws 1983, p. 4173; Ga. Laws 1984, p. 4642; Ga. Laws 1985, p. 5003; Ga. Laws 1987, p. 5361; Ga. Laws 1989, p. 4113; Ga. Laws 1992, p. 6068; Ga. Laws 1996, p. 4405)

[Editor's Note: The salary figures for the Clerks and Marshal do not reflect current compensation paid by the County.]

## **§ 5-142. SECRETARIES.**

The chief judge of said civil court and the associate judge shall have the power to appoint and at pleasure to remove two secretaries to serve the judges of said court. Such secretaries shall take all stenographic notes, transcribe same, required by the judges of said court and do and perform such other duties as the judges of said court may require in chambers or in court. Said secretaries shall have the same powers and authorities and exercise all the functions and be subject to all responsibilities and requirements of a deputy clerk of said court. The salary of the secretaries of said court shall be fixed by said judges from time to time at an amount not to exceed \$6,600.00 per annum. The compensation of all officers of said civil court shall be paid monthly out of the treasury of Richmond County, Georgia, upon the warrants of the chief judge of said court by the officer or officers charged by law with paying out the money of said county and charged as part of the expenses of said court.

No credit for service shall be granted for any time during which a person was not actually an employee of the civil court and for Richmond County, Georgia, and receive compensation therefor in the position for which such increase is authorized. (Ga. Laws 1974, p. 2410, 9A)

**§ 5-143. COURT REPORTER.**

In addition to the personnel which the chief judge may appoint as hereinbefore provided, said judge shall have the power to appoint, and at pleasure to remove, a court reporter, to serve the civil court and judges thereof. Such reporter shall report and transcribe all criminal matters required by the judges of said court, and do and perform such other duties as the judges of said court may require in chambers or in court. The salary of the court reporter of said court shall be fixed by the chief judge from time to time at an amount not to exceed \$6,000.00 per annum, and shall be paid monthly out of the treasury of Richmond County, Georgia, upon the warrants of the chief judge of said court, by the officer or officers charged by law with paying out the money of the county and charged as part of the court expenses of said court. (Ga. Laws 1974, p. 2410, § 9B)

**§ 5-144 MARSHAL, CLERK AND DEPUTIES--APPOINTMENT.**

The marshal and the clerk of the Civil Court of Richmond County, Georgia, shall be appointed by the chief judge of said court for a term of office to run concurrently with his own. The marshal and the clerk of said court shall have authority, with the approval of the chief judge of said court, to name their deputies who shall hold said office at the pleasure of the said marshal or clerk as the case may be, subject to approval of the chief judge of said court. It is hereby further provided that the chief judge, and associate judge and all of the other officers of the Civil Court of Richmond County, Georgia, now serving their present term of office are hereby confirmed as the chief judge, and associate judge and other officers of said court, to name their deputies who shall hold said office at the pleasure of said marshal or clerk as the case may be subject to approval of the chief judge of said court. It is hereby further provided that the judge and all of the other officers of the Civil Court of Richmond County, Georgia, now serving their present term of office are hereby confirmed as the judge and other officers of said court. (Ga. Laws 1974, p. 2410, § 10; Ga. Laws 1978, p. 3341, § 1)

**§ 5-145. SAME--POWERS--GENERALLY; BOND.**

(a) All of the requirements and duties, powers and authority imposed by law upon and conferred upon the clerk of Richmond County Superior Court and the sheriff of Richmond County shall be obligatory upon and shall be vested in the clerk and marshal of said civil court, and the several deputies, respectively, and shall be concurrent and coexistent with said clerk of superior court and sheriff of Richmond County. Provided, however, that the amount of the bond of the clerk of said civil court shall be ten thousand dollars, and the amount of the bond of the marshal of said civil court shall be ten thousand dollars, and the amount of the bond of deputy clerks of said civil court shall be one thousand dollars, and the amount of the bond of deputy marshals of said civil court shall be one thousand dollars; and all such bonds have as surety thereon a surety company doing business in this state and having an office and authorized to do business in Georgia, and premium of such bonds to be paid out of the county treasury of Richmond County, Georgia.

(b) The powers and duties conferred upon the marshal of the Civil Court of Richmond County, Georgia, and the deputies thereof, shall specifically include, without limitation, the power and duty to enforce laws and ordinances regulating abandoned motor vehicles pursuant to Code Section 40-11-1, et seq., of the O.C.G.A. or other applicable law or ordinance and laws and ordinances regulating littering on private or public property pursuant to [Code Section 16-7-40](#), et seq., of the O.C.G.A. or local ordinances adopted pursuant to Code Section 16-7-48 of the O.C.G.A. and to issue citations for violations thereof; and the same shall be to the exclusion of any other officers or employees of Richmond County except the sheriff and his or her deputies. (Ga. Laws 1974, p. 2410, § 11; Ga. Laws 1978, p. 3341, § 1, Ga. Laws 2000, p. 4132)

## **§ 5-146. SPECIFIC POWERS OF CLERKS.**

The clerk and deputy clerks of said civil court shall have complete power and authority, coexistent and coordinate with the power of the judges of said court, under the provisions of this act, to issue any and all warrants, civil and criminal, suits, and garnishments, writs of attachment, distress warrants, dispossessory warrants, warrants against intruders, warrants against tenant holding over, possessory warrants, bail trover and summary processes and writs which are issuable as a matter of right, to accept and approve bonds and to discharge any and all other functions, which under the laws of this state are performable by a justice of the peace. And all deputy clerks, and deputy marshals, if and when appointed under the terms of this act, shall exercise all the functions and be subject to all the responsibilities and requirements of the clerk and marshal of said court. (Ga. Laws 1974, p. 2410, § 12; Ga. Laws 1978, p. 3341, § 1)

**§ 5-147. COURT OF RECORD; JURISDICTIONAL PURPOSES.**

Said civil court shall be a court of record, and shall have a seal, and minutes, records and other books and files that are required by law to be kept by the superior court, so far as the jurisdiction of said civil court may render necessary, and said records shall be kept in and for said civil court, and said civil court is hereby declared to be a court of record for all purposes of jurisdiction, including, but not restricted to:

- (a) motions for summary judgment;
- (b) all matters arising under the Uniform Criminal Extradition Act, approved February 21, 1951, as amended;
- (c) Uniform Act for Out-of-State Parolee Supervision, approved February 17, 1950, as amended;
- (d) Nonresident Motorists Act, as amended; and
- (e) Georgia Civil Practice Act, as amended;

provided that the clerk of said civil court shall preserve in suitable files all original papers in each case, which shall not be removed from said clerk's office without the permission of the judges of said court, and proper receipt being given to said clerk or deputy clerks of said court. (Ga. Laws 1971, p. 2745, § 13; Ga. Laws 1974, p. 2410, § 13)

**§ 5-148. COURT OF INQUIRY JURISDICTION.**

With the exception of the judges of Richmond Superior Court and the judge of the State Court of Richmond County, the said civil court shall have exclusive jurisdiction to sit as a court of inquiry to examine into accusations against persons arrested on warrants for offenses committed within the limits of said County of Richmond. (Ga. Laws 1974, p. 2410, § 14)

**§ 5-149. WARRANTS, PROCESSES, WRITS, ETC., RETURNABLE TO CIVIL COURT.**

All warrants, summary processes, writs, processes, garnishments, attachments and suits issuing out of said civil court, in which the principal sum claimed to be due or the value of the property in dispute does not exceed twenty-five thousand dollars (\$25,000.00), shall be returnable to said civil court in the same manner and under the same rules as such writs are required to be returned to the superior court. (Ga. Laws 1974, p. 2410, § 15; Ga. Laws 1981, p. 3575, § 1)

**§ 5-150. PRACTICE AND PROCEDURE--GENERAL LAW AS TO SUPERIOR COURTS APPLICABLE.**

The general laws of this state in regard to commencement of actions in the superior courts, and defenses thereto of whatever nature, the pleadings, the method of procedure and practice therein and in regard to the examination of the parties to suits or witnesses, by interrogatories or under subpoena, witnesses and their attendance, continuances, charge of the court, granting of new trials, and other matters of a judicial nature within the jurisdiction of said civil court, shall be applicable to said civil court, except as may be otherwise provided in this act. (Ga. Laws 1974, p. 2410, § 16)

**§ 5-151. SAME--SUITS AND GARNISHMENTS TO CONFORM WITH SUPERIOR COURT PROCEDURE;  
SERVICE OF PROCESS.**

Suits and garnishments in said civil court shall in all respects be conformable to the code of procedure in the superior courts; process of suit shall be annexed by the clerk of said court and shall be served by the marshal of said court or his lawful deputies; all executions, warrants, writs and summary processes of any kind issuing from said civil court shall be issued by any of the judges thereof or in any one of their names by the clerk or deputy clerks, and be directed to the marshal and his lawful deputies of said civil court and to all and singular the marshals and deputy marshals, and lawful constables of this state, and shall be executed by the marshal or his deputy marshal, or lawful constable or other peace officer, as now provided by law for such proceedings from the superior courts, or justice of the peace courts of this state. (Ga. Laws 1974, p. 2410, § 17; Ga. Laws 1978, p. 3341, § 1)

**§ 5-152. SAME--RULES IN SUITS TRANSFERRED FROM MAGISTRATE COURTS.**

Civil matters involving claims, counterclaims and other proceedings which do not exceed the jurisdiction of the magistrate court, even though directed to the civil court, shall be considered and dealt with and adjudged under the same rules, practice and procedure applicable to cases filed and tried in the Magistrate Court of Richmond County and shall be transferred to the magistrate court unless a written demand for trial by jury is filed with the complaint or answer and the amount of value in controversy is \$500.00 or greater. (Ga. Laws 1974, p. 2410, § 19; Ga. Laws 1981, p. 3575, § 2; Ga. Laws 1984, p. 4467, § 11)

**§ 5-153. TERMS.**

The terms of said civil court shall be held monthly, on the fourth Monday in each month; suits, garnishments and attachments shall be filed in the clerk's office of said court at least forty (40) days before the first day of the term to which they are returnable; however, whenever said day shall fall on a Saturday or a Sunday, it shall be held on the first Monday following said Saturday or Sunday, and shall be served at least thirty (30) days before the first day of said term. The terms of said court shall end at 12:00 noon, on the fourth Monday in each month for the preceding term. The right of opening default shall be governed by the same rules of law now in force as to opening defaults in the superior courts of this state, whether judgment has been rendered in said case or not. (Ga. Laws 1974, p. 2410, § 18)

**§ 5-154. ASSIGNMENT OF CASES FOR TRIAL.**

After the appearance day, any case may be assigned for trial by any of the judges of said civil court on any day after giving reasonable notice to all parties, unless continued for good cause shown, and in conformance with such rules and regulations of procedure now promulgated and of force, or which hereafter may be adopted in said court. If a case so placed on the trial calendar is not disposed of within ninety (90) days after the appearance day to which it is brought, it may be dismissed by any of the judges in the exercise of sound discretion, without prejudice to anyone, and costs taxed against the delinquent party. (Ga. Laws 1974, p. 2410, § 20)

**§ 5-155. JURY--DEMAND FOR JURY TRIAL.**

Every civil case or proceeding which is filed and addressed to the civil court and which is not transferred to the magistrate court or a higher court shall be governed and disposed of in accordance with the Georgia Civil Practice Act, chapter 11 of title 9 of the O.C.G.A., and other rules and laws applicable to the state and superior courts. Either of the judges of the civil court may hear and decide any motion or objection presented at any stage of a case, and either of the judges may preside at the trial and enter an interlocutory order or final judgment, whichever the judge deems proper after each hearing or trial. No trial by jury shall be held in the civil court unless one of the parties demands the same in the original pleading filed by the party in the case or exhibit attached or unless one of the parties demands jury trial by amendment to his pleading filed and presented to the court at least 48 hours before the time previously set by the court for trial of the case on its merits without a jury. (Ga. Laws 1974, p. 2410, § 21; Ga. Laws 1984, p. 4467, § 12)

**§ 5-156. SAME--SELECTION.**

Every trial by jury in the Civil Court of Richmond County shall be before a jury of six members unless the amount or value in controversy exceeds \$5,000.00 and one of the parties files a timely demand in writing for trial by a jury of 12. In all instances the manner of selecting a trial jury shall be governed by subsection (a) of Code section 15-12-122 of the O.C.G.A. (Ga. Laws 1974, p. 2410, § 22; Ga. Laws 1984, p. 4467, § 13)

**§ 5-157. SAME--QUALIFICATIONS, RELATIONSHIP, IMPANELING, ETC, OF JURORS.**

All laws with reference to the qualifications, relationship, impaneling, challenging and compensation of jurors, now or hereafter in force, applicable to the Superior Court of Richmond County, Georgia, shall apply to and be observed in said civil court except as where in conflict with the terms of this act. (Ga. Laws 1974, p. 2410, § 23)

**§ 5-158. SAME--NUMBER OF JURORS ON PANEL; ALTERNATE JURORS.**

All jury trials in civil court shall be by a jury of six. From said panel of traverse jurors drawn and summoned in accordance with the provisions of this act, any of the judges of said civil court shall cause to be made up at least one panel of jurors containing twelve jurors, and as many other jurors as may in his discretion be necessary, and all cases and issues to be tried by jury at such term of said civil court shall be tried by a jury stricken from a panel of jurors thus drawn, plaintiff and defendant each being entitled to three preemptory challenges. In the event that said jurors should be reduced below twelve for any cause, or when challenged or from any other cause there shall not be a sufficient number of persons in attendance to complete the panel of jurors, the judge shall draw the tales jurors from the jury box as now provided by law, and order the marshal to summon the jurors so drawn; and when the marshal or his deputy shall be disqualified to summon talesmen, they may be summoned by the sheriff of Richmond County or his deputies, or such other person as the judge may appoint. (Ga. Laws 1974, p. 2410, § 24, 1978 Ga. Laws, p. 3341, § 1)

**§ 5-159. SALE OF REAL OR PERSONAL PROPERTY LEVIED UPON UNDER PROCESS.**

All sales of personal property levied upon under process of civil court, or any other process, summary processes, or any other execution, executed by said civil court officers, shall take place at the courthouse door during the legal hours of sale, at public outcry, on the Monday next following ten days' advertisement by notice posted before the courthouse door and two other public places, describing the property to be sold, the place and hour of sale, the name and residence of the owner of the property, and the style of the case in which the execution issued. Such sales are to be conducted by the marshal of said court or his deputy, provided that sales of perishable property and sales on the premises may be made as provided by law; and provided, further, that in all cases where real estate is levied upon under a process from civil court, or any other court, the subsequent proceedings shall conform to the laws governing the sale of real estate, save and except that all advertisement and sale of real estate shall be conducted by the marshal of said court or his deputy. (Ga. Laws 1974, p. 2410, § 25; Ga. Laws 1978, p. 3341, § 1; Ga. Laws 1980, p. 3533, § 1)

**§ 5-160. REPORTING CASE; COSTS OF REPORTING.**

The chief judge of the Civil Court of Richmond County, Georgia, and the associate judge of said court shall have the same authority as the judge of the superior court to order a case reported, and they may direct the case reported when either party or counsel requests it, or when in the discretion of the judge the ends of justice require that the case may be reported. Whenever a case is reported in said court, either by agreement of parties or counsel, or by discretion of the court under the rule, the costs of such reporting shall be taxed equally against the parties to the case and shall be assessed as costs in the case under the same rules as prevail in the superior court, save that the charge for such reporting shall not exceed the amount set by the Judicial Council of the State of Georgia. If either party or counsel objects to the reporting of the case, the party so objecting shall not be charged with any expense of reporting the case unless the judge on preliminary investigation shall determine that the case is one that should be reported and shall direct it reported under the rule. (Ga. Laws 1974, p. 2410, § 26; Ga. Laws 1980, p. 3533, § 1)

**§ 5-161. WHEN JUDGMENTS CONCLUSIVE; NEW TRIAL; APPEALS.**

(a) In all cases in civil court wherein the principal sum claimed or the value of property in controversy does not exceed \$500.00, whether tried by jury, or tried by the judge without a jury, the judgment of said court shall be conclusive, and no new trial shall be granted; provided, nevertheless, that said case may be carried to the superior court by certiorari as provided by the general laws in reference to the writ of certiorari.

(b) In all cases in said court tried by any of the judges thereof without a jury or tried by jury, in which the principal sum claimed or the value of the property in controversy exceeds \$500.00, upon announcement of the judgment by the court, or upon rendition of the verdict by the jury, any party or his counsel may make a written motion for a new trial within 30 days after judgment is entered in said case. Unless said motion for new trial is made as herein provided, the parties shall be held to have waived their right to move for a new trial, except upon the grounds on which extraordinary motions for new trial may be made. Said motion may be heard at such time within 60 days after the making of said motion as the court in its discretion may set for a hearing; provided, nevertheless, that upon the disposition of a motion for a new trial by said civil court, any party, plaintiff or defendant, or claimant therein, may certiorari said case to the Superior Court of Richmond County under the general law of the writ of certiorari. Provided, however, that in the event the case is tried before a jury, then in this event the right of certiorari will not lie and the appeal shall be to the court of appeals or supreme court pursuant to jurisdiction requirement.

(c) From any final judgment of the civil court an appeal shall lie to the Court of Appeals of the State of Georgia under the same rules which apply to appeals from the state and superior courts. (Ga. Laws 1974, p. 2410, § 27; Ga. Laws 1984, p. 4467, § 14)

**§ 5-162. JUDGMENTS AS LIENS.**

All judgments obtained in said civil court shall be liens upon property belonging to the defendant or defendants, to the same extent and upon the same conditions as judgments of the superior courts of this state. (Ga. Laws 1974, p. 2410, § 28)

**§ 5-163. COSTS--DEPOSITS; EXCEPTION.**

From and after the passage of this act, it shall be necessary for the plaintiff, before or at the time of instituting any civil proceeding in said court, to deposit with the clerk of said court the sum of \$14.00 upon the costs that will accrue therein; provided, nevertheless, if any plaintiff who may desire to institute any action in said court is unable from poverty to make the said costs deposits, he may make an affidavit to that effect and file the same with the proceeding sought to be sued out or instituted, whereupon it shall be the duty of the officers of said court to proceed with said matter as though said deposit had been paid. Provided, nevertheless, that the clerk of said court shall not be required to file any proceedings in which the plaintiff is a nonresident and the amount involved, or the property in controversy, does not exceed \$500.00, until \$14.00 shall have been deposited with the clerk, of [or if] the amount involved, or the property in controversy, exceeds \$500.00, until \$24.00 shall have been deposited with the clerk, on account of costs. The court at any stage of such cause, on motion of the clerk, shall require such additional deposit as the case may require. If the case be withdrawn or dismissed, or if, upon final judgment, the deposit exceeds the amount of the cost taxable by law, the clerk shall refund to the depositor the excess. (Ga. Laws 1974, p. 2410, § 29; Ga. Laws 1980, p. 3533, § 1; Ga. Laws 1982, p. 3738, § 1)

**§ 5-164. SAME--COLLECTION.**

It shall be the duty of the judges of said civil court to see to it that the officers of their court are diligent in the collection of costs and shall adopt such other measures and rules as will insure the payment of costs by the parties or parties therefor. (Ga. Laws 1974, p. 2410, § 30)

**§ 5-165. JURISDICTION OF JUSTICE COURTS IN CITY OF AUGUSTA.**

No officer of any justice court whose district lies in whole or in part within the limits of the City of Augusta, Georgia, shall have authority to issue or serve any civil, quasi-criminal paper, process, or writ of any character, against any person, firm, or corporation residing within the corporate limits of Richmond County, Georgia, without regard to the location of the court from which said paper or process issued, nor shall any justice of the peace issue any criminal warrant for any misdemeanor or crime committed within the limits of the City of Augusta, Georgia. (Ga. Laws 1974, p. 2410, § 31)

**§ 5-166. JURISDICTION OF CIVIL COURT IN JUSTICE COURT MATTERS.**

In the event any justice of the peace whose district adjoins the City of Augusta is disqualified from presiding in a particular case or refuses to serve in such case, or if such justice of the peace is sued and there is no justice in his district who is qualified to act, said Civil Court of Richmond County, Georgia, shall have jurisdiction of such case concurrent with justice courts in other adjoining districts. (Ga. Laws 1974, p. 2410, § 32)

## **§ 5-167. TRANSFER OF PENDING CASES FROM JUSTICE COURT TO CIVIL COURT.**

(a) All cases, civil or criminal, pending and undisposed of, from and after the passage of this act, in justice courts lying within the city limits of Augusta, Georgia, shall be and they are hereby transferred to said civil court for trial and disposition therein. All final and other processes in the hands of officers of said justice courts shall be by them returned to said civil court and the judges and other officers of said civil court shall have power and authority to issue and enforce in the name of said civil court any and all processes in any case from said justice courts necessary to the final disposition of the same, which from any cause have not been issued and enforced by the officers of said justice courts. All fi fas, and final processes not satisfied in the hands of the officers of said justice court, from and after passage of this act, shall be levied by the officers of said civil court. All records, books, and papers in cases disposed of and on file in said justice courts shall be filed and deposited with the clerk of said civil court, and all property of parties to action in said justice courts in the legal custody of the said court shall be delivered, to the marshal of said civil court. It is hereby made the duty of said justices of the peace and/or constables to which this act is applicable to comply with the provisions of this section; and any justice of the peace and/or constable who shall fail to transmit such suits, papers and documents, or to return such final or other processes, or to deliver the books and records or property in the custody of the courts, within three days after written demand for such transmission or delivery has been made by the clerk of said civil court or any party at interest, shall be held in contempt of said civil court, and be punished as provided in cases of contempt in the superior courts of the State of Georgia. The officers of said justice courts in this section referred to shall be entitled to all uncollected costs which have accrued in the cases in their respective courts so transferred up to the passage of this act, upon the collection of the same by the officers of said civil court.

(b) The provisions of the preceding paragraph shall apply to the justices of the peace and justice courts whose districts are within the city limits of Augusta, Georgia, in all cases, civil or criminal, jurisdiction of which will devolve upon said civil court pending and undisposed of from and after the passage of this act, and none other. (Ga. Laws 1974, p. 2410, § 33; Ga. Laws 1978, p. 3341, § 1)

**§ 5-168. BUILDING; SUPPLIES.**

The board of commissioners of Richmond County, Georgia, shall provide a suitable and convenient place for holding of said Civil Court of Richmond County, Georgia; and shall provide all necessary books, stationery and filing cases for keeping the dockets, files and records of said court, and other things necessary to the conduct of the business of said court. (Ga. Laws 1974, p. 2410, § 34)

**§ 5-169. REPORTS, CODES AND ACTS TO BE FURNISHED BY STATE LIBRARIAN.**

A complete set of the published reports of the Supreme Court and the Court of Appeals of Georgia, and the Acts of the General Assembly of Georgia commencing with Acts of 1910 and the Code of 1933, Annotated, shall be furnished by the state librarian to the clerk of said court for the use of said court. (Ga. Laws 1974, p. 2410, § 35)

## **§ 5-171. DISPOSAL OF OLD RECORDS.**

The clerk of said civil court shall be and is hereby authorized from time to time, upon direction of the chief judge of said court to destroy or dispose of old records of said court which have served their usefulness and which in the opinion of said chief judge and clerk, have no further value to the court, or to the public, but are merely occupying valuable filing space. The authority hereby granted shall include all the books, papers and documents of said court now in the possession of said clerk, or which may hereafter come into his possession, of any nature and kind whatsoever, which in the case of criminal warrants, are at least five years old, all dispossessory warrants, distress warrants, peace warrants in which no defensive pleadings have been filed, and all justice of the peace court records and papers which by law have been placed in the possession of said clerk, and which, as aforesaid, in the opinion of the chief judge of said court have served their usefulness and are of no longer any value to anyone. Nothing in this act shall authorize the destruction or disposal of the minutes, writ books, the dockets or the indices or books of general entry, journals, or cash journals of the Civil Court, Richmond County, Georgia, and such records within the discretion of the chief judge of said court. (Ga. Laws 1974, p. 2410, § 37)

**§ 5-172. SEVERABILITY OF PROVISIONS OF ACT.**

If any section or provision of this act shall be held unconstitutional, or invalid, by any court of competent jurisdiction, the corresponding original acts hereby sought to be changed shall ipso facto and pro tanto stand reenacted and restored, and it shall not affect the validity and constitutionality of the remainder of this act. (Ga. Laws 1974, p. 2410, § 39)

**§ 5-173. JUDGE EMERITUS--QUALIFICATIONS.**

Any judge of the Civil and Magistrate Court of Richmond County, formerly known as the Municipal Court, City of Augusta, Richmond County, whether appointed or elected or both, who has at least ten years of service as judge of such court and who is still in service as judge of such court shall be eligible to become Judge Emeritus at his discretion at any time. Any such judge may elect to and become a Judge Emeritus of such court by presenting to the Board of Commissioners of Richmond County satisfactory evidence of eligibility. More than one judge may hold the position of Judge Emeritus simultaneously, provided that each such judge meets all requirements of holding said position. (Ga. Laws 1971, p. 3872, § 1; Ga. Laws 1992, p. 5570, § 1)

**§ 5-174. SAME--FILLING UNEXPIRED TERM OF JUDGE EMERITUS.**

When a judge becomes Judge Emeritus during his term of office, he shall notify in writing the Governor of his election, who shall fill such office by appointment for the unexpired term. If a judge elects to become Judge Emeritus upon the expiration of his then present term of office, the vacancy shall be filled by election as provided by law. (Ga. Laws 1971, p. 3872, § 2; Ga. Laws 1992, p. 5570, § 1)

**§ 5-175. SAME--AUTHORITY TO HOLD COURT WHEN CALLED.**

A Judge Emeritus of the Civil and Magistrate Court of Richmond County shall be empowered, qualified, and authorized to hold court for the State Court of Richmond County, whenever the Chief Judge of such court considers the condition of the docket congested to the extent that the services of an extra judge are needed; when said Chief Judge feels that the needs of justice will be best met by a Judge Emeritus presiding; or when said Chief Judge is disqualified by law. The Judge Emeritus may be called into service in the State Court of Richmond County by order passed by the Chief Judge of said court. (Ga. Laws 1971, p. 3872, § 3; Ga. Laws 1992, p. 5570, § 1)

**§ 5-176. SAME--SERVICES BY REQUEST.**

By order of the Chief Judge of the Civil and Magistrate Court of Richmond County, a Judge Emeritus may be called into trial service in such court by way of request. If the Chief Judge is so incapacitated that he cannot issue such request order, then the Presiding Judge of such court shall be empowered to issue such order. If the Presiding Judge is so incapacitated that he cannot issue such request order, the Chief Judge of the Superior Court of Richmond County is empowered to issue an order requesting the services of a Judge Emeritus. (Ga. Laws 1971, p. 3872, § 4; Ga. Laws 1992, p. 5570, § 1)

**§ 5-177. SAME--DISQUALIFICATIONS.**

A Judge Emeritus shall not hold any compensating position with the State of Georgia, the United States of America, Richmond County, or the City of Augusta or any agencies thereof, except upon taking a leave of absence as Judge Emeritus and waiving and relinquishing compensation during such leave of absence. A Judge Emeritus shall be disqualified from engaging in tile practice of law in the State Court of Richmond County and the Civil and Magistrate Court of Richmond County unless he takes a permanent leave of absence as Judge Emeritus and waives and relinquishes compensation during such permanent leave of absence. For the purpose of this section, the term compensating position shall not include receipt of any deferred compensation, pension, annuity, or retirement benefit which may accrue to the Judge Emeritus. (Ga. Laws 1971, p. 3872, § 5; Ga. Laws 1992, p. 5570, § 1)

**§ 5-178. SAME--COMPENSATION.**

A Judge Emeritus of the Civil and Magistrate Court of Richmond County shall receive as compensation for his position 40 percent of the total amount received for services as a regular judge computed on the 12-month period immediately preceding his declaration as Judge Emeritus based upon total remuneration received by such judge, including salary for services in the civil court as well as any salary supplement for services in the magistrate court and any other supplement authorized and paid by the Board of Commissioners of Richmond County. Additional compensation shall accrue to such Judge Emeritus at the rate of 1.333 percent of said salary per year for each year of service in addition to the first ten years, the total remuneration not to exceed 60 percent of his salary as a regular judge. Remuneration for a Judge Emeritus shall be paid out of the treasury of Richmond County. Any period of time served as a judge of the Civil and Magistrate Court of Richmond County prior to July 1, 1992, shall be deemed creditable service for purposes of computing term of service and salary pursuant to this act [article]. (Ga. Laws 1971, p. 3872, § 6; Ga. Laws 1992, p. 5570, § 1)

**§ 5-182. SPECIAL BAILIFF--APPOINTMENT.**

Whenever approved by resolution of the county commissioners of any county of this state the probate judge of such county shall be authorized to appoint a special bailiff of the probate court of such county. (Ga. Laws 1961, p. 2921, § 1)

**§ 5-183. SAME--POWERS AND DUTIES.**

The powers and duties of such special bailiff of the probate court shall be as follows:

- (a) To investigate all applications for the commitment of mental patients and present the results of such investigations to the probate judge and to the commission convened to determine the question of commitment.
- (b) To conduct such other investigations of mental cases or other matters within the jurisdiction of the probate judge as may be required by the probate judge and to make written reports thereon, whenever so required.
- (c) To transport all mental patients under order of commitment by the probate judge to the Milledgeville State Hospital or to local hospitals or other places of temporary or permanent detention in conformity with the orders of the probate court.
- (d) To attend upon all sessions of the probate court, whenever so required, and to formally open the regular terms of the probate court on the first Monday of each month.
- (e) To serve all writs, notices, subpoenas, orders and any other process and execute all orders of the probate court according to law and in compliance with the orders of the probate judge and to make returns of his actions as now required of the sheriff and his deputies.
- (f) To have and be vested with all of the powers and authority now or hereafter provided by law for the sheriff or his deputies insofar as they relate to the functions of the probate court.
- (g) To have such other power and authority as may be necessary or convenient for the accomplishment of the purposes of this act.

**§ 5-184. SAME--COMPENSATION; BOND.**

The compensation of such special bailiff shall be in amount specified by the probate judge making such appointment subject to the approval of the county commissioners of the county. Such special bailiff shall be required to give bond in the sum of \$1,000.00 payable to the probate judge for the faithful performance of his duties. (Ga. Laws 1961, P. 2921, § 3)

**§ 5-185. SAME--FEES.**

The probate judge appointing such special bailiff shall be entitled to the same fees for his services as may now or hereafter be provided by law for similar services when performed by the sheriff, such fees to be a part of the costs of the court. (Ga. Laws 1961, p. 2921, § 4)

**§ 5-186. SAME--TRANSPORTATION.**

When such special bailiff is appointed in any county it shall be the duty of the county commissioners of such county to provide adequate and suitable means of transportation to properly effectuate the purposes of this act, and to pay for the reasonable and necessary expenses of operating such means of transportation. (Ga. Laws 1961, p. 2921, § 5)

**§ 5-187. SAME--DUTY TO SHERIFF TO PROVIDE ASSISTANCE.**

It shall be the duty of the sheriff whenever this act shall have been placed in operation in his county to continue to receive and maintain in the jail any person committed to jail by order of the probate judge, to furnish one or more deputies upon the request of the probate judge to assist the special bailiff of the probate court in arresting any person alleged to be insane and violent and dangerous, and shall also furnish on request one or more attendants to assist such special bailiff in the transportation of any person under commitment. The services of such deputies may be considered as part of their regular duties or they may be given additional compensation as may be provided by resolution of the county commissioners. The probate judge shall also be authorized to permit members of a patient's family to serve in this capacity and may fix the compensation for such services which shall be paid from county funds. (Ga. Laws 1961, p. 2921, § 6)

**§ 5-188. JUDGE EMERITUS--QUALIFICATIONS.**

Any judge of the Probate Court of Richmond County (formerly the court of ordinary) who shall have at least 15 years of service as judge of said court and 10 years in the employment of the county and shall have attained the age of 55 years and who is still in service as such judge at the time of his eligibility, shall be eligible to become judge emeritus at his discretion at any time after becoming eligible by presenting evidence of his or her eligibility to the governing authority of his or her county, at which time he or she shall become judge emeritus. (Ga. Laws 1971, p. 2941, § 1; Ga. Laws 1975, p. 3068, § 1)

**§ 5-189. SAME--FILLING VACANCY IN OFFICE VACATED.**

When said judge becomes judge emeritus of said court, the vacancy in office thus created shall be filled as required by law. (Ga. Laws 1971, p. 2940, § 1; Ga. Laws 1975, p. 3068, § 2)

**§ 5-190. SAME--POWERS AND DUTIES.**

The said judge emeritus shall be empowered, qualified and authorized to hold court whenever the regularly elected judges of said court consider the condition of the docket congested to the extent that the services of an extra judge are needed, or when the regular elected judge feels that the needs of justice will be best met by said judge emeritus presiding, or where or when said regular elected or appointed judge of the probate court is disqualified by law. The judge emeritus may be called into service by order passed by the regular elected judge of said probate court. (Ga. Laws 1971, p. 2940, § 3; Ga. Laws 1975, p. 3068, § 3)

## **§ 5-192. COMPENSATION OF JUDGE EMERITUS.**

Said judge emeritus shall be entitled to receive and shall receive a pension of 50% of the total amount received while a regular judge as computed on the 12-month period immediately prior to becoming judge emeritus, to be paid monthly out of the treasury of the county, by the person or persons charged by law with paying out the money of said county. Provided, however, if the said judge shall choose to become judge emeritus at some point in time beyond his or her 55th birthday, he or she shall receive as pension two percent more (of the total amount received while a regular judge as computed on the 12-month period immediately prior to becoming judge emeritus) per year for each year beyond his or her 55th birthday up to age 60. Provided, further, in the event the said judge shall become incapacitated (mentally or physically) prior to reaching age 55, he or she shall be deemed to have reached his or her 55th birthday for the purposes of receiving the benefits provided by this act. (Ga. Laws 1971, p. 2940, § 5; Ga. Laws 1975, p. 3068, § 5)

## § 7-1. PURPOSES OF COUNTY TAXES.

County taxes may be levied and collected for the following public purposes:

- (a) To pay the expenses of administration of the county government;
- (b) To pay the principal and interest of any debt of the county and to provide a sinking fund for the payment of the principal and interest;
- (c) For educational purposes upon property located outside of independent school systems, as provided in article VIII of the constitution of this state;
- (d) To build and repair public buildings and bridges;
- (e) To pay the expenses of courts and the maintenance and support of inmates, to pay sheriffs and coroners, and to pay for litigation;
- (f) To build and maintain a system of county roads;
- (g) For public health purposes in the county and for the collection and preservation of records of vital statistics;
- (h) To pay county police;
- (i) To support indigent individuals;
- (j) To pay county agricultural and home demonstration agents;
- (k) To provide for payment of old age assistance to aged individuals in need and for the payment of assistance to needy blind, assistance to dependent children, and other welfare benefits;
  - (1) No individuals shall be entitled to assistance as provided in this paragraph who does not qualify for assistance in every respect as provided by law prescribing the qualifications for beneficiaries;
  - (2) No indebtedness or liability against the county shall ever be created for the purpose stated in this paragraph when the indebtedness or liability is in excess of amounts reasonably expected to be raised by county taxes levied as provided by law;
- (l) To provide for fire protection of forest lands and for the conservation of natural resources;
- (m) To provide hospitalization and medical or other care for the indigent sick people of the county;
- (n) To acquire, improve, and maintain airports, public parks, and public libraries;

- (o) To provide for workers' compensation and retirement or pension funds for officers and employees;
- (p) To provide reasonable reserves for public improvements as may be fixed by law;
- (q) To pay pensions and other benefits and costs under a teacher retirement system or systems;
- (r) For school lunch purposes, upon property located outside of independent school systems as provided in article VIII of the constitution of this state, to provide for payment of costs and expenses incurred in the purchase, replacement, and maintenance of school lunchroom equipment, purchase of school lunchroom supplies, transportation, storage, and preparation of foods, all other costs and expenses incurred in the operation of school lunch programs, but excluding purchase of foods;
- (s) To provide for ambulance services within the county;
- (t) To provide for financial assistance to county or joint county and municipal development authorities for the purpose of developing trade, commerce, industry, and employment opportunities; no tax for this purpose shall exceed one mill per dollar upon the assessed value of the taxable property in the county levying the tax; and
- (u) To provide for public health and sanitation including, but not limited to, water pollution control projects, sewage treatment facilities, storm and sanitary sewer facilities, and water supply facilities. (O.C.G.A., § 48-5-220)

**§ 7-20. AUDIT.**

The grand jury of the January term of the Superior Court of Richmond County shall each year submit to the governing authority of Richmond County a list of three certified public accounting firms. The governing authority of Richmond County shall select from among those firms submitted to them an accounting firm which shall perform an audit of all county offices handling public funds of Richmond County. Said audit shall cover the current fiscal year. No such firm shall be selected for said audit which has performed such services for three consecutive years. (Ga. laws 1974, p. 3034; Ord. of 5-15-79, § 1; Ga. Laws 1980, p. 4590)

## § 7-21. AUTHORITY TO MAKE SINGLE TAX LEVY.

Notwithstanding any other provision of this Constitution, no local taxing jurisdiction in Richmond County may levy or collect an ad valorem tax in any tax year beginning on or after January 1, 1981, at a mill rate higher than the ad valorem tax mill rate authorized in this paragraph, unless the mill rate is approved by a majority of the qualified electors of the local taxing jurisdiction voting in a referendum called for such purpose. The maximum mill rate each such local taxing jurisdiction may levy in any tax year without a referendum as provided in this paragraph shall be determined as follows: (1) multiply the mill rate levied by the local taxing jurisdiction for the tax year beginning January 1, 1979, exclusive of any grants from the State of Georgia which may have been used to reduce the net millage rate for 1979, by 107%; (2) then, multiply the mill rate determined in (1), above, by a fraction the numerator of which is the net taxable digest for the local taxing jurisdiction for the tax year preceding the year the tax is to be levied; rounded off to the nearest \$10,000,000.00 and the denominator of which is the net taxable digest for the local taxing jurisdiction for the tax year in which the levy is to be made, rounded off to the nearest \$10,000,000.00; (3) then, reduce the mill rate determined in (2), above, by the mill rate which, if levied against the taxable property within the local taxing jurisdiction, would produce an amount of revenue equal to the amount of any proceeds received by the local taxing jurisdiction in the immediately preceding tax year from a local sales and use tax.

This Act shall apply to the tax year beginning January 1, 1981, and each succeeding year.

The mill rate determined after the reduction provided for in (3), above, shall be the maximum mill rate which may be levied in the applicable tax year by the local taxing jurisdiction except as provided for below. In the event the governing authority of a local taxing jurisdiction desires to seek approval at a referendum for the levy in any tax year of a mill rate greater than the mill rate authorized in this paragraph, the governing authority shall hold not less than three public hearings on the proposed mill rate at different locations within the limits of the local taxing jurisdiction prior to the date of the referendum. Notice of each such public hearing shall be published in the legal organ of the local taxing jurisdiction for at least three consecutive weeks immediately preceding the week the meeting is to be held and shall also be made as may otherwise be required by law.

The tax limitation set forth above shall exclude and not include any expenditures made or caused to be made by the local taxing jurisdiction as determined from time to time on a case by case basis for the following express purposes:

(a) Bonded indebtedness incurred as a result of a referendum by the voters approving such bonded indebtedness;

(b) Any expenditure for the replacement of or provision for any direct loss suffered by the local taxing jurisdiction as the result of any peril, catastrophe, or emergency which includes, but is not limited to, fire, lightning, wind, hail, water, storm, war, insurrection, riot, earthquake, nuclear occurrence, seizure, explosion, freezing, aircraft, vehicles, or other similar catastrophe or acts of God; with the amount to be levied to cover such emergency not to exceed the actual cash outlay, considering all insurance payments from other sources to which said taxing jurisdiction may be entitled, which the taxing jurisdiction actually incurs as the result of said loss, including professional fees and other similar expenses required to place the taxing jurisdiction in the same position in which it would have been had such perils, catastrophe, or emergency not occurred; provided, however, the governing body of the taxing jurisdiction declares by a two-thirds majority that the emergency does exist and the expenditures are in fact to be made as the result of the emergency.

The General Assembly may, by local law, authorize the levy of additional assessments to provide for capital improvements, judicial commands and precepts, or mandated programs not funded by state or federal funds, and establish procedures for the administration of the provisions of this paragraph. (Ga. Laws 1980, p. 2177, § 1; Ga. Laws 1983, p. 3870, §§ 1, 2)

**§ 7-24. DISCOUNTS FOR EARLY PAYMENT.**

(a) Authorized subject to the conditions provided by local law, the general assembly may authorize each local taxing jurisdiction in Richmond County to grant a reasonable discount for early payment of ad valorem taxes owed to the local taxing jurisdiction. No such discount shall be granted except upon payment in full by the taxpayer of all ad valorem taxes due and payable to the local taxing jurisdiction.

(b) *School taxes.* The county board of education of Richmond County shall have the authority to provide by resolution for every taxpayer who pays school ad valorem taxes in Richmond County within 20 days from the original billing date of the school ad valorem taxes an incentive discount not to exceed four percent for early payment of said taxes. No such discount shall be granted except upon payment in full by the taxpayer of all ad valorem taxes due and payable for school taxes. The county board of education may from time to time by appropriate resolution change the amount of discount allowed provided such modification does not exceed the maximum discount allowed herein. (Ga. Laws 1980, p. 2162, § 1; Ga. Laws 1981, p. 3675, § 1)

**§ 7-28. DELINQUENT TAX COLLECTIONS; CHANGE OF INTEREST RATE AND PENALTY BY TAXING AUTHORITY.**

[Editor's Note: Repealed.]

**§ 7-29. EXEMPTIONS--PROPERTY NOT OWNED AS OF JANUARY 1 OF THE APPLICABLE TAX YEAR.**

Nothing contained within this act shall be deemed or construed to impose any liability for the payment of any such ad valorem taxes upon any person, firm or corporation for property which was not owned on the first day of January of the applicable tax year. (Ga. Laws 1974, p. 3515, § 3)

**§ 7-30. SAME--HOMESTEAD.**

(a) *Residents--generally.* The homestead of each resident of Richmond County actually occupied by the owner as a residence and homestead, and only so long as actually occupied by the owner primarily as such, but not to exceed five thousand dollars of its value, is hereby exempted from all ad valorem taxation for county and school purposes, except to pay interest on and retire bonded indebtedness. The value of all property in excess of the foregoing exemption shall remain subject to taxation. Said exemption shall be returned and claimed in such manner as prescribed by the General Assembly. The increased exemption provided for herein shall apply to all taxable years beginning after December 31, 1980.

(b) *Residents sixty-five years of age or over.* Each resident of Richmond County who is sixty-five years of age or over is hereby granted an exemption from all Richmond County ad valorem taxes for county and school purposes, except to pay interest on and retire bonded indebtedness, in the amount often thousand dollars on a homestead owned and occupied by him as a residence if his net income, together with the net income of his spouse who also occupies and resides at such homestead, as net income is defined by Georgia law, from all sources, except as hereinafter provided, does not exceed ten thousand dollars for the immediately preceding taxable year for income tax purposes. For the purposes of this paragraph, net income shall not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except such income which is in excess of the maximum amount authorized to be paid to an individual and his spouse under the federal Social Security Act, and income from such sources in excess of such maximum amount shall be included as net income for the purposes of this paragraph. The value of the residence in excess of the above exempted amount shall remain subject to taxation. Any such owner shall not receive the benefits of such homestead exemption unless he, [in person] or through his agent, files an affidavit with the tax commissioner of Richmond County, giving his age and the amount of income which he and his spouse received during the last taxable year for income tax purposes, and such additional information relative to receiving the benefits of such exemption as will enable the tax commissioner to make a determination as to whether such owner is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose. Such applications shall be processed in the same manner as other applications for homestead exemption, and the provisions of law applicable to the processing of homestead exemptions, as the same now exist or may hereafter be amended, shall apply thereto. Once any such owner has filed the proper affidavit and has been allowed the exemption provided herein, it shall not be necessary that he make the application and file the said affidavit thereafter for any year and the said exemption shall continue to be allowed to such owner. It shall be the duty of any such owner, however, to notify the tax commissioner in the event he becomes ineligible for any reason for the exemption provided in this paragraph. The General Assembly may provide by law for the proper administration of this exemption including penalties necessary therefor. The increased exemption provided for herein shall apply to all taxable years beginning after December 31, 1980.

(c) For purposes of this part, the term:

(1) 'Homestead' means homestead as defined and qualified in [Code Section 48-5-40](#) of the O.C.G.A.

(2) 'Richmond County ad valorem taxes for county purposes' means all Richmond County ad valorem taxes except for ad valorem taxes levied by, for, or on behalf of the Richmond County School District and except for ad valorem taxes to retire county or school bond indebtedness.

(3) 'Net income' means the resident's net income together with the net income of the resident's spouse who also occupies and resides at such homestead, as net income is defined by Georgia income tax law.

(4) 'Totally disabled' means being mentally or physically incapacitated to the extent that such resident is unable to be gainfully employed and to the extent that such incapacity is likely to be permanent.

Each resident of Richmond County who is totally disabled is granted an exemption on that person's homestead from all Richmond County ad valorem taxes for county purposes in the amount of the full value of that resident's homestead if that resident's net income for the immediately preceding taxable year does not exceed \$20,000.00.

The tax commissioner of Richmond County or the designee thereof shall provide application forms for the exemption granted by this part and shall require such information as may be necessary to determine the eligibility of the applicant for the exemption, including but not limited to appropriate proof of the applicant's being totally disabled, which proof shall include the affidavits of at least two physicians licensed to practice medicine in this state.

The exemption under this part shall be claimed and returned as provided in [Code Section 48-5-50.1](#) of the O.C.G.A. The exemption shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. It shall be the duty of any person granted the homestead exemption under this part to notify the tax commissioner of Richmond County or the designee thereof in the event that such person for any reason becomes ineligible for that exemption.

The exemption granted by this part shall not apply to or affect any state taxes, municipal taxes, or county school district taxes for educational purposes.

The exemption granted by this part shall be in lieu of and not in addition to any other exemption from Richmond County ad valorem taxes for county purposes.

The exemption granted by this part shall apply to all taxable years beginning on or after January 1, 1998.

(d) For purposes of this part, the term:

(1) 'Homestead' means homestead as defined and qualified in [Code Section 48-5-40](#) of the O.C.G.A.

(2) 'Richmond County School District ad valorem taxes' means all ad valorem taxes levied by, for, or on behalf of the Richmond County School District except for ad valorem taxes to retire school bond indebtedness.

(3) 'Net income' means the resident's net income together with the net income of the resident's spouse who also occupies and resides at such homestead, as net income is defined by Georgia income tax law.

(4) 'Totally disabled' means being mentally or physically incapacitated to the extent that such resident is unable to be gainfully employed and to the extent that such incapacity is likely to be permanent.

Each resident of the Richmond County School District who is totally disabled is granted an exemption on that person's homestead from all Richmond County School District ad valorem taxes in the amount of the total value of that resident's homestead if that resident's net income for the immediately preceding taxable year does not exceed \$20,000.00.

The tax commissioner of Richmond County or the designee thereof shall provide application forms for the exemption granted by this part and shall require such information as may be necessary to determine the eligibility of the applicant for the exemption, including but not limited to appropriate proof of the applicant's being totally disabled, which proof shall include the affidavits of at least two physicians licensed to practice medicine in this state.

The exemption under this part shall be claimed and returned as provided in [Code Section 48-5-50.1](#) of the O.C.G.A. The exemption shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. It shall be the duty of any person granted the homestead exemption under this part to notify the tax commissioner of Richmond County or the designee thereof in the event that such person for any reason becomes ineligible for that exemption.

The exemption granted by this part shall not apply to or affect any state taxes, municipal taxes, or county taxes for county purposes.

The exemption granted by this part shall be in lieu of and not in addition to any other exemption from Richmond County School District ad valorem taxes.

The exemption granted by this part shall apply to all taxable years beginning on or after January 1, 1998.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Richmond County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Richmond County for approval or rejection. The election superintendent shall conduct that election at the time of the state-wide November general election in 1998 and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Richmond County. The ballot shall have written or printed thereon the words:

"( ) YES Shall Part III of an Act be approved which provides a homestead exemption from Richmond

( ) NO County School District ad valorem taxes, except taxes to retire bonded indebtedness, in the amount of the total value of the homestead for totally disabled residents of that county whose annual net income does not exceed \$20,000.00?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect immediately. If the Act is not so approved or if the election is not conducted as provided in this section, the remaining sections of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

The expense of such election shall be borne by Richmond County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

(e) Except as otherwise provided in Parts I and III of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

All laws and parts of laws in conflict with this Act are repealed. (Ga. Laws 1980, p. 2190, § 1, Ga. Laws 1997, p. 4198)

**§ 7-31. CAPITAL IMPROVEMENTS OF NEW MANUFACTURING ESTABLISHMENTS, RICHMOND COUNTY.**

All capital improvements of each new manufacturing establishment located in Richmond County, Georgia, shall be exempt from all county ad valorem taxes, except for school purposes, for five years from the time of its establishment provided such establishment has capital improvements of one million dollars. Each addition to the capital improvements of an existing manufacturing establishment located in Richmond County, Georgia, shall be exempt from all county ad valorem taxes, except for school purposes, for five years from the time such addition is made if the cost of such addition is one million dollars, or more. For the purpose of this exemption the term manufacturing establishment shall mean and include every person, firm, partnership or corporation engaged in making, fabricating or changing things into new forms for use or in refining, rectifying or combining different materials for use. The term capital improvements shall mean and include buildings, machinery and equipment directly connected with the manufacturing process. ("Amendment 74," Ga. Laws 1974, p. 1709, § 1; Ga. Laws 1983, p. 4143, §§ 1, 2)

**§ 7-32. CAPITAL IMPROVEMENTS OF NEW MANUFACTURING ESTABLISHMENTS, CITY OF AUGUSTA.**

All capital improvements of each new commercial or business establishment located in the City of Augusta shall be exempt from all ad valorem taxes, except taxes to retire bonded debt, levied by the City of Augusta for a period of five years after completion of the improvements if the improvements have a fair market value of \$100,000.00 or more, Each addition to the capital improvements of an existing commercial or business establishment located in the City of Augusta shall be exempt from all ad valorem taxes, except taxes to retire bonded debt, levied by the City of Augusta for a period of five years after completion of the additional improvements if the additional improvements have a fair market value of \$100,000.00 or more. The value of each establishment in excess of the amount exempted by this paragraph shall remain subject to taxation. As used in this paragraph, the term 'capital improvements' includes buildings, machinery, equipment, and fixtures but does not include land or inventory. This paragraph shall in no way affect any state, county, or school taxes. (1982 Ga. Laws, p. 2616.)

**§ 7-34. REPLACES OFFICES OF TAX RECEIVER AND TAX COLLECTOR.**

The offices of tax receiver and tax collector of Richmond County, Georgia, are hereby abolished and the duties of the two offices aforesaid are hereby consolidated into one office. (Ga. Laws 1956, p. 2362, § 1)

**§ 7-35. OFFICE CREATED; RIGHTS, DUTIES AND LIABILITIES.**

The office of Richmond County Tax Commissioner is hereby created in lieu of said abolished offices of tax receiver and tax collector, and the rights, duties and liabilities of said office of Richmond County Tax Commissioner shall be the same as the rights, duties and liabilities of the tax receiver and tax collector of said county, so far as the same are applicable.  
(Ga. Laws 1956, p. 2362, § 2)

**§ 7-36. TERM.**

Richmond County Tax Commissioner shall hold office for a term of four year, beginning January 1, 1957, and said tax commissioner shall be elected at the regular general election to be held for the state in 1956, and every four years thereafter. The tax receiver and tax collector of Richmond County, Georgia, shall perform the duties of their respective offices through December 31, 1956. (Ga. Laws 1956, p. 2362, § 5)

**§ 7-37. ELECTION--WHEN AND IN WHAT MANNER.**

Said Richmond County Tax Commissioner shall be elected at the general election held in the State of Georgia in the year 1956, and at the same general election each four years thereafter in the same manner, time and place as clerks of the superior court are elected. (Ga. Laws 1956, p. 2362, § 6)

**§ 7-38. SAME--COMMISSION AND QUALIFICATION.**

Said Richmond County Tax Commissioner shall be commissioned and qualified as clerks of the superior court are. (Ga. Laws 1956, p. 2362, § 7)

**§ 7-39. CHARGE FOR COLLECTION OF SCHOOL TAXES.**

(a) The tax commissioner of Richmond County shall collect all county school ad valorem taxes and, after deducting commissions as provided hereafter, he shall pay over to the county board of education, once each month, all county school ad valorem taxes collected by him. Such commissions shall be the lesser of two and one-half percent of all county school ad valorem taxes collected by the tax commissioner or the expenses incurred by Richmond County for the collection of county school ad valorem taxes.

(b) As used in this section, expenses means all expenses incurred by Richmond County for the operation of the delinquent tax office, the tag office, the board of tax assessors, the property tax office, and the office of the county tax commissioner related to the collection of county school ad valorem taxes.

(c) Such commissions shall be collected by the tax commissioner of Richmond County and paid by said tax commissioner and paid over the proper fiscal authority for Richmond County as reimbursement for expenses incurred by the county for collecting county school ad valorem taxes. (Ga. Laws 1956, p. 2362, § 9; Ga. Laws 1978, p. 3779, § 1)

**§ 7-40. AUTHORITY TO ACCEPT PERSONAL CHECKS FOR AUTOMOBILE REGISTRATION.**

Notwithstanding the provisions of code section 40-2-27 [Georgia Code Annotated] to the contrary, the tax commissioner of Richmond County shall be authorized to accept personal checks for the payment of the registration of motor vehicles and the purchase of license plates therefor. In the event such personal check shall not be collectible, the tax commissioner shall be absolved of all responsibility for the collection and payment of any such check. (Ga. Laws 1972, p. 1456)

**§ 7-41. CHIEF DEPUTY TAX COMMISSIONER.**

The position of chief deputy tax commissioner shall be filled by the tax receiver of Richmond County who is serving in said capacity at the time of the approval of this act, and such person shall not be removed or discharged from said position without just and sufficient cause. The said chief deputy tax commissioner shall be an employee of Richmond County, within the meaning of paragraph C of section 2 of the act approved February 1, 1945, (Georgia Laws of 1945, pages 748 through 761) and shall be eligible to comply with all of the provisions of said act and to receive the benefits of retirement therein provided; and the chief deputy commissioner shall be an employee of Richmond County within the meaning of the act approved February 1, 1945 (Georgia Laws 1945, pages 748 through 761 inclusive), known as the Richmond Employees Pension Fund and shall be eligible to comply with all of the provisions of said act, including section 22 thereof, and to participate in the benefits provided under the terms thereof. (Ga. Laws 1956, p. 2362, § 10)

**§ 7-42. OATH.**

Before entering upon the duties of his office the said Richmond County Tax Commissioner shall take the oath now prescribed by law for tax receiver and tax collector, and he and his deputies, assistants and employees shall give a bond in such sums as may be fixed by the commissioners of Richmond County, Georgia, which bonds shall be signed as surety by a bonding company legally authorized to do business in the State of Georgia and shall be approved by the commissioners of Richmond County, for said county; and the bond premiums shall be paid by the commissioners of Richmond County out of the funds of Richmond County, Georgia as a part of the expense of county government. (Ga. Laws 1956, p. 2362, § 11)

**§ 7-43. OFFICE--LOCATION.**

Said Richmond County Tax Commissioner shall have his office in the courthouse of Richmond and shall keep his office open every day of the year except Sundays and legal holidays for the purpose of receiving and collecting all taxes. (Ga. Laws 1956, p. 2362, § 12)

**§ 7-44. SAME--EXPENSES.**

The necessary office expense of the tax commissioner herein named shall, when approved by the county board of commissioners or other fiscal agent of said county, be paid out of the treasury of such county monthly, and the said tax commissioner is required to furnish to the county commissioners, or other fiscal agent, an itemized statement of such necessary expenses at the first regular meeting of such board, or the fiscal agent in each month; provided the county aforesaid shall only be liable for the payment of such items of expense as are approved by such board of commissioners or other fiscal agents; provided, nevertheless, before any such item of expense shall be paid by the county treasurer, an itemized statement thereof shall be furnished, and the same shall have been paid, the same shall be deducted from any amount or amounts that may be due to the person who has collected the same. No credit shall be taken for items unless duly itemized and authorized by said county commissioners or other fiscal agent. (Ga. Laws 1956, p. 2362, § 16)

**§ 7-45. FILLING VACANCY.**

If at any time a vacancy should occur in the office of said Richmond County Tax Commissioner, the same shall be filled at a special election to be called and conducted by the chairman of the county commission of Richmond County, Georgia, within a period of sixty days after the said vacancy shall have occurred, provided that the general election laws of the State of Georgia shall control the procedure in said election. (Ga. Laws 1956, p. 2362, § 13)

**§ 7-46. ACTING TAX COMMISSIONER.**

If at any time there should occur a vacancy in the office of Richmond County Tax Commissioner, it shall be the duty of the commissioners of Richmond County, and they are hereby empowered, to designate immediately some competent person to take charge of said office and perform the duties thereof until an election is held and a tax commissioner is qualified and assumes the duties of said office; and such person so appointed shall receive as compensation for this services a pro rata share of the yearly salary of Richmond County Tax Commissioner, and he shall give the bond and take the oath required of said tax commissioner herein. (Ga. Laws 1956, p. 2362, § 14)

**§ 7-47. FINANCIAL STATEMENT; SETTLEMENT.**

Said Richmond County Tax Commissioner be, and he is hereby, required to furnish the commissioners of Richmond County with an itemized statement under oath, each month, of all fees, commissions, costs or other money received and collected by him for said county and to furnish such reports to the state authorities as are now required or may hereafter be required of tax receivers and tax collectors of this state. And said Richmond County Tax Commissioners is required to make settlement on the tenth day of each month with the commissioners of Richmond County of all moneys collected by him during the previous month, and shall make settlement with state authorities as provided by law. (Ga. Laws 1956, p. 2362, § 15)

**§ 7-49. EMERGENCY CLERKS AND DEPUTIES.**

In case of emergency arising in said office of tax commissioner, upon the same being called to the attention of the Board of Roads and Revenues of Richmond County by the said tax commissioner in writing, the said board, upon a vote of a majority of such board, may authorize such tax commissioner so applying to appoint such additional number of deputies and/or clerks as such board deems necessary; and such board shall fix their compensation; provided, nevertheless, when, in the opinion of a majority of such board, such emergency shall have ceased, such board may discharge or require the discharge or dismissal of any or all such emergency appointees. All such emergency clerks or deputies, or other employees, of said office of tax commissioner shall be paid by lawfully serving as such from the county treasury in the same manner as other salaries are paid. (Ga. Laws 1956, p. 2362, § 17.)

**§ 7-50. MONTHLY SALARIES AND EXPENSES OF COMMISSIONER AND PERSONNEL.**

It shall be proper and lawful for the Treasurer of Richmond County, or other custodian or depository of county funds, to pay out of the county funds a monthly portion of such salaries and expenses to the said tax commissioner, together with the salaries fixed, for the assistants, deputies, clerks and expenses of the office, and it shall be the duty of the tax commissioner to dispense the salaries of the clerks, deputies, assistants, employees and expenses of the office. (Ga. Laws 1956, p. 2362, § 18.)

**§ 7-51. PAY RAISES; ADDITIONAL EMPLOYEES.**

The Board of Commissioners of Roads and Revenues of Richmond County shall have the right in case of emergency to authorize pay raises for the tax commissioner, his deputies, assistants and employees provided for by this act and shall have the authority to employ additional employees or assistants in the office of the tax commissioner in Richmond County and shall have the authority to fix compensation for such additional assistants, clerks or employees, provided, nevertheless, said board of Commissioners may at any time require the discharge of any such emergency employee or the reduction in pay of any emergency pay increase granted to any of the employees or the tax commissioner provided for by this act. (Ga. Laws 1956, p. 2362, § 19.)

**§ 7-52. NO OBLIGATION TO FILL ALL POSITIONS OF DEPUTY, CLERK OR ASSISTANT.**

There shall be no obligation upon the tax commissioner to keep filled all such positions in his respective offices when, in his judgment, any such deputy, clerk or assistant, or any other employee, may be advantageously dispensed with, and such tax commissioner may from time to time fill, or fail to fill, any such positions, with the exception of the position of chief deputy commissioner, which shall be filled in accordance with section 36 of this act. (Ga. Laws 1956, p. 2362, § 20.)

**§ 7-53. TAXES AND TAX FI. FAS. EXISTING PRIOR TO CREATION OF OFFICE OF TAX COMMISSIONER.**

All taxes that are due and payable at the time the provisions of this act become effective, and all tax fi. fas. heretofore issued by the Tax Collector of Richmond County, Georgia, shall have full force and effect and be collected by the Richmond County Tax Commissioner. (Ga. Laws 1956, p. 2362, § 3.)

**§ 7-54. DISPOSITION OF FEES AND COMMISSIONS ALLOWED TAX RECEIVER AND TAX COLLECTOR.**

All fees, commissions and other compensation presently allowed to the Tax Receiver and Tax Collector of Richmond County and which are not prohibited by section 35 of this act shall be collected by said tax commissioner and paid into the treasury of Richmond County, Georgia. All fees, commissions and all other compensation which may hereafter be allowed the offices of tax receiver and tax collector shall be collected by said tax commissioner and paid into the treasury of Richmond County, Georgia, notwithstanding the provision of this act combining said offices. (1956 Ga. Laws, p. 2362, § 4.)

## **§ 7-55. CONSTITUTIONAL AUTHORITY.**

The general assembly shall have the power to consolidate and combine the county and city board of tax assessors for both real and personal property of the City Council of Augusta and County of Richmond, and all the governmental functions and powers now vested in and exercised by said board of tax assessors in the City Council of Augusta and County of Richmond; to create, designate and give a name to a city-county board of tax assessors for the municipality of the City Council of Augusta and the entire area of Richmond County; to vest and confer upon such city-county board of tax assessors such authority as may be conferred upon tax assessors of municipalities, counties, or both, under existing laws; to abolish any and all offices now existing under any and all acts under the city charter of City Council of Augusta pertaining to the board of tax assessors for both real and personal property for the City Council of Augusta, and any and all offices now existing under any and all acts relating to the Richmond County Board of Tax Assessors; to create a city-county board of tax assessors and offices for the purpose of exercising and carrying out the powers to be vested in such board and the powers and duties formerly appertaining to such boards and offices; to provide a mode and method for the appointment of the members of the city-county board of tax assessors; to delegate to the governing authority of the municipality of City Council of Augusta and the County of Richmond full power and authority to abolish the presently constituted board of tax assessors of the City Council of Augusta and County of Richmond, and to create in lieu thereof new offices and a city-county board of tax assessors to be vested with all of the duties and powers of the offices and boards of tax assessors thus abolished; to provide for the employment of assistants to such board; to provide for the payment of compensation to the city-county board of tax assessors; to provide that the general assembly in exercising the powers herein conferred may include in the act or law, or any amendment thereto, any one or more of the powers or provisions herein enumerated and may exclude therefrom any one or more of the powers herein enumerated and in exercising the powers herein conferred, it shall not be necessary that the enactment or enactments of the General Assembly pursuant hereto carry with it a referendum to the qualified voters of the County of Richmond and the City Council of Augusta; and for other purposes. (Ga. Laws 1956, p. 453; Ga. Laws 1983, p. 4094, §§ 1, 2)

**§ 7-56. DEFINITIONS.**

These terms, when used in this act, shall have the following definitions unless a different meaning clearly appears from the context:

- (a) *Board*. The Richmond County Board of Tax Assessors.
- (b) *City*. The City of Augusta, Georgia.
- (c) *County*. Richmond County, Georgia. (Ga. Laws 1973, p. 2812, § 1)

**§ 7-57. CREATION; COMPOSITION; DUTIES, POWERS AND AUTHORITY--GENERALLY; APPOINTMENT, TERMS AND REMOVAL OF MEMBERS; FILLING VACANCIES.**

(a) There is hereby created a County Board of Tax Assessors for Richmond County for the entire territorial area of the city and county, and said board shall have all the duties, powers, and authority given to the county tax assessors by general law in executing the purposes of this Act. Without limiting the generality of the foregoing, it shall be the duty of said board to fix the values of all property located within the city and the county for all city, state, county, school, or other tax purposes and to prepare the tax digest for the city and county. The power of said board, however, shall not extend to the assessing of any property which must be returned for taxation to the state revenue commissioner or Comptroller General.

(b) Said board shall consist of eight members. Six members shall be appointed by the governing authority of the consolidated government of Augusta-Richmond County. Three members shall be appointed who reside in Commission-Council District 9, as described in an Act approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, and three members shall be appointed who reside in Commission-Council District 10, as described in an Act approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended. Two members shall be appointed by the legislative delegation consisting of each member of the General Assembly whose legislative district is wholly or partially within the boundaries of Richmond County.

(c) The board members in office immediately prior to the effective date of this section shall serve out the remainder of the terms for which they were appointed. Thereafter, future appointments shall be made so as to bring the membership of the board into compliance with the provisions of subsection (b) of this section at the earliest practicable date.

(d) All members of the board shall serve for terms of four years and until their successors take office, except that the governing authority may from time to time, at the time of making a new appointment, and the legislative delegation may from time to time, at the time of making a new appointment, adjust the term of the new appointee as necessary or appropriate to maintain a system of staggered four-year terms so as to ensure continuity on the board at all times.

(e) In case of a vacancy on the board at any time, caused by death, resignation, removal, or otherwise, the vacancy shall be filled for the remainder of the unexpired term, and the appointment shall be made in the same manner as herein provided for the appointment of the members of the board. The members of the board may be removed by the appointing authority only for cause shown for the failure to perform the duties. (Ga. Laws 1973, p. 2812; Ga. Laws 1974, p. 3069, § 1; Ga. Laws 1993, p. 4482, § 1, Ga. Laws 1999, p. 3599)

**§ 7-58. DUTY TO ASSESS PROPERTY; OFFICERS OF BOARD.**

The board shall assess all real estate and personal property. The members of the board shall elect one member as chairman and one member as vice-chairman, each to serve for a term of one year, with the right to succeed himself as such. The compensation of each board member shall be \$200.00 per month, to be paid by the governing authority. (Ga. Laws 1973, p. 2812, § 4)

**§ 7-59. CHIEF TAX APPRAISER.**

The chief tax appraiser shall be hired by the board, subject to the approval of the county governing authority. The chief tax appraiser shall, under the authority of and pursuant to the direction of the board, prepare and keep tax maps and other tax records; shall establish an equitable and scientific system of appraising property for taxation; give notice of assessment made by the board as provided by law; and perform any and all other duties related to the assessment of taxable property as may be required by the board. He shall receive all returns required of taxpayers by law within the county and the city, and all taxpayers shall be required to make a single return to the chief tax appraiser, on such form as may be prescribed by the board on or before January 31 for the year 1975, and each year thereafter. The chief tax appraiser shall deliver all tax returns to the board, together with his recommended appraisal of the value of all property subject to taxation by both the city or the county. (Ga. Laws 1973, p. 3812, § 5; Ga. Laws 1974, p. 3069, § 2)

**§ 7-60. COMPLIANCE WITH STATE LAW.**

Said board shall comply with all property tax laws of the State of Georgia, as they now or hereinafter exist, in exercise of its duties and powers, and the members of said board shall comply with all the qualifications given under the laws of the State of Georgia for tax assessors as they now or hereinafter exist, as provided for in title 48, chapter 5, article 5, Code of Georgia, as amended. (Ga. Laws 1974, p. 3069, § 3)

**§ 7-61. POWERS WITH REGARD TO RETURNS.**

Should the board find that any taxpayer has failed to return his property or has omitted from the return any property that should have been returned, or has undervalued any property, said board shall have all the powers with respect to such returns as is provided for in title 48, chapter 5, article 5, Code of Georgia, as amended, and shall proceed as therein provided to require correct returns. (Ga. Laws 1974, p. 3069, § 4)

**§ 7-62. AD VALOREM TAX ASSESSMENTS.**

Said board shall each year make available to the city the fair market values of all property subject to city ad valorem taxation, in compliance with the Georgia Code Annotated section 48-5-352. The city and county are hereby authorized to use the tax digest for the preceding tax year for the collection of ad valorem taxes in installments, with the necessary adjustments being made in the last installment, which shall be after the current tax digest has been completed and approved. Should tax payments prior to the last installment exceed the total tax liability for the ad valorem tax year, the excess payment shall be refunded.

Nothing contained within this act shall be deemed or construed to impose any liability for the payment of any such ad valorem taxes upon any person, firm or corporation of property which was not owned on the first day of January of the applicable tax year. (Ga. Laws 1974, p. 3069, § 5)

**§ 9-1. APPLICATION OF GENERAL LAW.**

All general laws upon the subject of public health now in force in this state or hereafter to be enacted by the General Assembly shall be effective in Richmond County so long as it does not interfere with or diminish or supersede the rights, powers and privileges conferred upon the Richmond County Department of Health by this act unless it shall be so expressly provided in said act and by designating said Richmond County and the Department of Public Health of Richmond County under their respective names. (Ga. Laws 1955, p. 3192, § 11.)

**§ 9-2. HEALTH ORDINANCES.**

All ordinances hereafter adopted by the Richmond County Department of Public Health shall become effective upon the caption of said ordinance being advertised one time in the legal gazette of Richmond County, Georgia. (Ga. Laws 1955, p. 3192, § 12.)

**§ 9-3. VIOLATIONS OF HEALTH RULES--POWERS OF DEPARTMENT OF HEALTH AND BOARD OF HEALTH.**

Said Richmond County Department of Health shall have the authority to post warning placards on establishments in violation of the rules and regulations of said Richmond County Board of Health, and said board shall have the authority to order padlocked any establishment in Richmond County, Georgia, which is considered to be in violation of the rules and regulations of the Richmond County Department of Health when said establishments are considered by the board to endanger the public health in said county. (Ga. Laws 1955, p. 3192, § 14.)

**§ 9-4. SAME--STATE COURT JURISDICTION.**

The judge of the State Court of Richmond County shall have jurisdiction to try all persons charged with the violation of any order, rule, regulation or ordinance of said county board of health. Appeals from the findings of the judge of the State Court of Richmond County, Georgia, shall be made to appellate courts in the same manner as other appeals from the city court are made. (Ga. Laws 1955, p. 3192, § 18.)

**§ 9-5. SAME--PENALTY.**

Any person, firm or corporation who shall violate any rule, regulation or ordinance promulgated by the Richmond County Board of Health, shall, upon conviction, be punished as for a misdemeanor. (Ga. Laws 1955, p. 3192, § 19.)

## § 9-6. RATIFICATION OF ACTS.

And except that the County of Richmond and the City Council of Augusta may regulate the public health of said county and city by and through a combined or joint board of health to be known as the Richmond County Department of Health, as heretofore created and existing under and by virtue of an act of the General Assembly of Georgia, entitled:

"An Act to repeal an Act entitled, 'An Act to authorize the City Council of Augusta to create a board of health for said City,' approved February 26, 1877, amended August 23, 1879, amended December 8, 1880, amended August 15, 1922, and amended August 2, 1924; to combine the Board of Health of the City of Augusta with the Board of Health for Richmond County, Georgia, and said combined body to be known as the 'Richmond County Department of Health,' the jurisdiction of said body to extend over both the city and county, and for other purposes," as amended by an act entitled:

"An Act to amend an Act entitled, 'An Act to repeal an Act entitled "An Act to authorize the City Council of Augusta to create a board of health for said city,' approved February 26, 1877; amended August 23, 1879; amended December 8, 1880; amended August 15, 1922, and amended August 2, 1924, to combine the board of health of the City of Augusta with the board of health for Richmond County, and said combined body to be known as the 'Richmond County Department of Health,' the jurisdiction of said body to extend over both the city and the county, and for other purposes,' so as to more clearly distinguish between the Richmond County Board of Health and the Richmond County Department of Health, and to amend the pension rules set forth in said Act; and for other purposes, as amended by an act entitled:

"An Act to amend an Act entitled, 'An Act to repeal an Act entitled, "An Act to authorize the City Council of Augusta to create a board of health for said city,' approved February 26, 1877, amended August 23, 1879, amended December 8, 1880, amended August 23, 1922, and amended August 2, 1924; to combine the Board of Health of the City of Augusta with the Board of Health for Richmond County, and said combined body to be known as the 'Richmond County Department of Health,' the jurisdiction of said body to extend over both the city and county; and for other purposes, approved August 22, 1931, so as to repeal Section 4 of said Act which prohibits members of the county board of health from receiving a salary; and to fix a salary of per them for the members of said board; and for other purposes," as amended by an act entitled:

"An Act to amend the Act approved August 22, 1931, said Act being entitled 'An Act to repeal an Act entitled, "An Act to authorize the City Council of Augusta to create a board of health for said city,' approved February 26, 1877, amended August 23, 1879, amended December 8, 1880, amended August 15, 1922, and amended August 2, 1924; to combine the Board of Health of the City of Augusta with the Board of Health for Richmond County, and said combined body to be known as the 'Richmond County Department of Health,' and for other purposes,' so as to provide a retirement system and pension fund for the employees of the Board of Health and/or the Department of Health of Richmond County; to require that three per centum (3%) of the salary, wage or remuneration of each employee of said board of health be deducted from his pay and paid into said fund as part thereof; to require said Board of Health and/or Department of Health of Richmond County to pay into said fund as part thereof a sum equal to the amount deducted from its employees' salaries, wages or remunerations, to provide authority for said Board of Health and/or Department of Health of Richmond County to increase or reduce from time to time such withholdings from such employees' salaries, wages or remuneration and to increase, or reduce from time to time the sum to be paid by said Board of Health and/or Department of Health of Richmond County in matching said withholdings from such employees' salaries, wages or remuneration; to provide and require that the sums of money to be paid into said pension fund by said Board of Health and/or Department of Health of Richmond County to be entered into and made a part of the annual budget of the Board of Health of Richmond County and said sums to be paid over to said Board of Health by the City Council of Augusta and Richmond County on the percentage basis as other appropriations now made by said city and county; to provide for the method of retirement and pension of said employees of said Board of Health and/or Department of Health of Richmond County; to provide for said retired employees to be paid from the employee pension fund of said board of health; to provide for total and permanent disability and temporary disability pensions; to provide for punishment under the criminal laws of Georgia for persons who violate the terms of this

Act; to repeal all laws in conflict herewith, and for other purposes." Said acts and any and all other acts that have been passed by the General Assembly of the State of Georgia, repealing, modifying, or changing said acts, in whole or in part, together with all rules, regulations and ordinances promulgated thereunder, be and the same are ratified, validated and confirmed, as of the respective dates of the passage and enactment of said acts, rules, regulations and ordinances. The General Assembly of Georgia may hereafter modify, repeal or abolish altogether, or change the jurisdiction and any or all of the powers, privileges, conditions, restrictions and remedies, in whole or in part, which have heretofore or may be hereafter enacted or passed relating to or having been passed by said Richmond County Board of Health. (Ga. Laws 1952, p. 71; Ga. Laws 1983, p. 4702, §§ 1, 2)

**§ 9-7. CONTINUED EXISTENCE.**

There shall be a continued existence of the Richmond County Department of Health in accordance with article 11, section 1, paragraph VI of the Constitution of the State of Georgia. (Ga. Laws 1955, pp. 3192, 3194, § 1; Ga. Laws 1971, p. 3618)

## **§ 9-8. POWERS.**

The said Richmond County Department of Health shall be a body politic and corporate in law, and as such may contract and be contracted with, sue and be sued, plead and be impleaded in any court of this state having competent jurisdiction, and receive any gift, grant, donation or devise made for the use of public health within its jurisdiction; and moreover it shall be, and it is hereby invested with the title, care and custody of the Richmond County Department of Health, or any other real estate sites now or hereafter belonging to the Richmond County Department of Health, with power to control, lease, sell or convey the same as said board may think will best serve the interest of public health in said county. Subject to the provisions of this act, the Richmond County Department of Health by and through its board of health shall have power:

- (a) to purchase, lease or otherwise acquire real and personal property, and to construct, repair, maintain and operate the public health department for said county;
- (b) equip the same including the laboratories and other facilities appropriate for public health service in said county;
- (c) to fix the compensation and prescribe the powers and duties of all employees including the establishment of a pay plan for said employees;
- (d) to adopt as hereinafter provided an annual budget for the support of said Department of Health of Richmond County; and
- (e) to make rules and regulations necessary for the conduct of its business and the government of its employees. (Ga. Laws 1955, p. 3192, § 5)

## § 9-9. FINANCIAL ADMINISTRATION.

(a) The fiscal year of the Richmond County Department of Health shall begin on the first day of January and end on the last day of December.

(b) Not later than the fifteenth day of September in each year the commissioner of public health shall submit to the Richmond County Board of Health a tentative budget for the fiscal year beginning on the succeeding first day of January. This budget shall contain estimates of expenditures as follows:

- (1) A sum equal to any deficit insured in the preceding fiscal year by the failure of the actual cash receipts to equal the expenditures for such year, including current obligations payable but not paid;
- (2) The cost of any other contractual obligation;
- (3) The cost of operating the Richmond County Department of Health;
- (4) Expenditures for other purposes for which said Richmond County Board of Health may legally appropriate money.

The budget shall also contain estimates of receipts. The estimate of expenditures for operating the Richmond County Department of Health shall be in detail, classified by activities and objects in accordance with the recommendations and regulations of the state department of health. The budget shall be so arranged as to show comparative data as to both revenue, cash receipts and expenditures for the last completed fiscal year. With the budget, the commissioner of public health shall submit a summary of its contents and a brief explanation of the principal changes from the preceding year in either receipts or expenditures which shall be given to the press and made available at the office of the department of health for public inspection. There shall be sufficient copies of the budget itself to supply the members of the board, and copies shall be kept on file for public inspection during regular business hours in the office of the commissioner of public health. This budget shall be reviewed and studied by the Richmond County Board of Health and approved as a whole or such portions of it as the board of health may deem expedient and wise. The budget, after its approval by the Richmond County Board of Health, shall be submitted to the Board of Commissioners of Roads and Revenues of Richmond County, by whom it shall also be reviewed, studied, approved or disapproved as a whole or such portions of it as the said Board of Commissioners of Roads and Revenues of Richmond County may deem expedient and wise. Upon final approval, the budget shall then become the budget of the Richmond County Department of Health for the ensuing year, and the Board of Commissioners of Roads and Revenues of Richmond County, Georgia, shall levy and collect a tax to meet the same and shall appropriate and turn over in a lump sum to the Richmond County Department of Health the amount of its budget as aforesaid. The payment by Richmond County to the Richmond County Department of Health of said monies may for convenience be divided into twelve equal monthly installments or otherwise as may be agreeable between the Board of Commissioners of Roads and Revenues of Richmond County and the Richmond County Board of Health.

The amounts authorized in the budget for expenditures for each object and activity shall be deemed to be appropriated therefor, and no expenditures shall be made or obligations be paid from the county health fund incurred except in accordance with such appropriations. Transfers from the appropriations from one activity or object, except from debt service, to another activity or object may be made at any time by the board, but a supplementary or additional appropriation shall not be made unless it is first certified by the commissioner of public health that there is an unappropriated and unencumbered surplus from which such appropriation can be made.

The Richmond County Department of Health funds shall consist of all monies belonging to the department of health, and not forming of any trust fund shall be kept in a bank or banks in Richmond County designated by the Richmond County Board of Health subject to any laws of the State of Georgia relating to the deposit of public funds. Money shall be paid out of the Richmond County Department of Health Funds only on orders signed by the chairman or vice-chairman of the Board of Health of Richmond County and the Commissioner of Public Health of Richmond County. Payroll checks may be signed by facsimile signatures of the respective officers. The employee having custody of the payroll checks shall be bonded in such a manner as may be fixed from time to time by the board; the premium to be paid from the public health fund. The commissioner of public health, chairman and vice-chairman of the Richmond County Board of Health shall furnish to the Richmond County Board of Health surety company bonds in such amount as the board may deem necessary, conditioned upon the faithful performance of their duties. The premium shall be paid from the county health fund. (Ga. Laws 1955, p. 3192, § 7.)

**§ 9-10. MULTI-COUNTY HEALTH DEPARTMENT.**

The Richmond County Board of Health may by majority vote of its membership, contract with adjacent and neighboring counties to become a part of any multi-county health department which might be hereafter created in said counties to participate in public health work in said counties. (Ga. Laws 1955, p. 3192, § 16.)

## **§ 9-11. MANAGEMENT AND CONTROL OF HEALTH DEPARTMENT; COMPOSITION.**

(a) The membership of the Richmond county Board of Health for the Richmond County Department of Health shall be composed as follows:

- (1) One member from the Augusta-Richmond County Commission-Council appointed by such commission-council;
- (2) The president of the Richmond County Board of Education or his or her designee;
- (3) One member appointed by the Augusta-Richmond County Commission-Council from a list of three nominated by the Richmond County Medical Society;
- (4) One member appointed by the Augusta-Richmond County Commission-Council from a list of three nominated by the Stoney Medical, Dental & Pharmaceutical Association;
- (5) One member appointed by the Augusta-Richmond County Commission-Council from a list of three nominated by the Augusta Dental Society;
- (6) One member appointed by the Augusta-Richmond County Commission-Council from a list of three nominated by the Tenth District of the Georgia Nurses Association; and
- (7) Five members at large appointed by the Augusta-Richmond County Commission-Council.

(b) The members of the board of health in office on February 1, 1996, shall serve out the terms of office to which they were appointed. As new members are appointed, such members shall be appointed for terms of office of four years and until their successors are appointed and qualified; provided, however, that the terms of office of the members of the board of health provided for in paragraphs (1) and (2) of subsection (a) of this section shall be terms of office of one year. New appointments shall be made such that the requirements of subsection (a) of this section are met at the earliest date possible. The appointments of additional members required by this Act shall be made by the Augusta-Richmond County Commission-Council in compliance with subsection (a) of this section, provided that the initial term of office of one of such appointments shall be two years. Except for successors appointed to the board of health under paragraphs (1) and (2) of subsection (a) of this section for one-year terms of office, the remaining successors to the members provided in this section for terms of four years and until their successors are appointed and qualified. Members may succeed themselves; provided, however, that no person currently on such board of health or appointed to such board of health after the effective date of this section shall serve more than two consecutive terms of office. (Ga. Laws 1955, p. 3192, 3194, § 1; Ga. Laws 1971, p. 3618; Ga. Laws 1996, p. 4102, § 1.)

**§ 9-12. VACANCIES.**

All vacancies on said board shall be filled by appointment in like manner as the original appointees to said board. Any appointee to a vacancy on said board shall serve only the unexpired term of his predecessor on said board. (Ga. Laws 1955, p. 3192, § 2.)

**§ 9-13. ORGANIZATION; OFFICERS; EXECUTION OF CONTRACTS.**

The Richmond County Board of Health shall hold an organizational meeting on the first Thursday in the month next succeeding the passage of this act in the offices of the department of health in Richmond County, Georgia. The Richmond County Board of Health shall then proceed to organize by electing one of its members as chairman and one as vice-chairman to serve the first Thursday in January, 1956, at which time said Richmond County Board of Health shall hold an organizational meeting and from its membership proceed to elect a chairman and vice-chairman for a term of four years from the said first Thursday in January, 1956.

The board shall elect one of its employees to serve as secretary to said board. All conveyances and contracts shall be executed on behalf of the Richmond County Department of Health by the chairman or vice-chairman of the board of health, and the commissioner of public health. (Ga. Laws 1955, p. 3192, § 3.)

## **§ 9-14. MEETINGS.**

The Richmond County Board of Health shall hold regular meetings not less frequently than once each month, the day and hour of which shall be fixed for the ensuing four years at its organizational meeting. Special meetings may be called by the chairman, by the vice-chairman in the event of the absence of the chairman or incapacity of the chairman, by the commissioner of public health, or by a majority of the members; provided, that a written notice of the time and place of such meeting and of the subject or subjects to be considered thereat shall be dispatched by mail to each member of the board at least seventy-two hours prior to the date of such meeting. At such special meetings only the subject or subjects referred to in such notice shall be acted upon. A majority of the members shall constitute a quorum for the transaction of business. The minutes of each meeting shall be recorded by the secretary of such board in a book provided for that purpose, which shall be a public record and open for inspection in the office of the commissioner of health during regular business hours. In the absence of the regularly elected secretary, another employee of the board shall be designated to act as secretary for that meeting, by the board. (Ga. Laws 1955, p. 3192, § 4.)

**§ 9-15. COMPENSATION OF MEMBERS.**

Each member of the Richmond County Board of Health shall be paid the sum of ten dollars for each meeting of the board that he attends, whether the same be called or a regular meeting; provided, that no member shall be paid more than two hundred forty dollars in any one year. (Ga. Laws 1955, p. 3192, § 8.)

**§ 9-16. ATTORNEY.**

The Richmond County Board of Health shall have the right to employ such attorney or attorneys as it deems necessary to properly conduct the affairs of the County Board of Health of Richmond County, Georgia, and to fix the compensation for their services. (Ga. Laws 1955, p. 3192, § 10.)

**§ 9-17. PUBLICATION OF RULES, REGULATIONS AND ORDINANCES.**

All present rules and regulations pertaining to sanitary measures heretofore adopted by the said Richmond County Department of Public Health or by the Richmond County Board of Health shall remain in full force and effect until July 1, 1955, at which said time the Richmond County Board of Health shall publish in pamphlet form all of its rules and regulations and revised ordinances and the same shall become effective upon being printed in pamphlet form by said board and advertised by being posted in the courthouse door and the captions thereof being published one time in the legal gazette for Richmond County, Georgia. (Ga. Laws 1955, p. 3192, § 13.)

## **§ 9-18. APPOINTMENT; TERM; REMOVAL; QUALIFICATIONS; DUTIES; POWERS.**

The commissioner of public health shall be appointed by the Richmond County Board of Health for a four-year term, and may be removed by it; provided, that he shall first be served a clear statement in writing of the cause of his removal and given an opportunity to be heard thereon at a public meeting of said board to be held not less than ten nor more than twenty days after the service of such statement. He shall be entitled to be represented by counsel at such hearing, and upon his request witnesses whose testimony is pertinent to the charges against him shall be subpoenaed by the chairman or vice-chairman of said board. After such hearing, decision of the board, upon a vote of three-fourths of its members, shall be final, except that in the event of physical or mental incapacity of the commissioner of public health then a majority shall be authorized to act. The commissioner of public health shall be a physician qualified with and approved by the Merit System Board of Georgia, and it is deemed desirable that he have either a Master of Public Health degree from some recognized college or a diploma from the American Board of Preventive Medicine and shall have at least five years' experience in a responsible position in some reputable public health agency. Provided further that the incumbent commissioner of health Dr. Abe J. Davis, shall continue to serve said board until the expiration of the term of office to which he has been previously elected. The commissioner of public health shall be the executive officer of the Richmond County Department of Health. He shall supervise the preparation of the annual budget and submit the same to the board; attend all its meetings with the right to speak therein but not to vote. He shall nominate all employees for appointment by the board, and shall generally supervise, direct and control the operation of the Richmond County Department of Public Health, its offices and employees.

He shall have power to require such reports from each employee as he may deem necessary or which may be required by law. Within two months of the close of each fiscal year, he shall prepare for submission to the board a brief and comprehensive report of the activities and finances of the Richmond County Department of Public Health which shall be given to the press and be available to the public at the office of the department of health. (Ga. Laws 1955, p. 3192, § 6)

**§ 9-19. COMPENSATION.**

The commissioner of public health shall receive for his services such compensation as the Richmond County Board of Health may from time to time prescribe to be paid out of the county health fund in the same manner as other bills. (Ga. Laws 1955, p. 3192, § 9)

**§ 9-20. INSPECTION AND QUARANTINE.**

The Commissioner of Health of Richmond County, and each of his deputies, shall have police power and shall have the right to enter upon any premises in said county for the purpose of inspection and quarantine when it is considered necessary to protect the public health in said county by the commissioner of public health or his deputies. (Ga. Laws 1955, p. 3192, § 17)

**§ 9-24. DISPOSAL OF REFUSE; AUTHORITY TO PROVIDE AND OPERATE SANITARY LANDFILL.**

The board of commissioners of Richmond County, Georgia, shall have the authority to operate and provide a landfill for deposit of trash and refuse for the citizens of Richmond County, and to determine and fix reasonable charges and fees for the use of the landfill. (Ga. Laws 1967, p. 2879; Ga. Laws 1971, p. 2263; Ord. of 6-5-79, §§ 1, 2; Ga. Laws 1980, p. 4595)

**§ 9-28. APPLICATION OF GEORGIA MERIT SYSTEM.**

The Richmond County Board of Health shall comply with the provisions of the Georgia Merit System in matters applying to all employees in the said department of health in whose salaries the state department of health participates. (Ga. Laws 1955, p. 3192, § 15)

## § 9-29. DEFINITIONS.

As used in this act, the following terms and phrases shall have the following meanings, to wit:

(a) *Time of service as an employee.* The time spent in the service of the Augusta board of health and/or department of health that was operated immediately prior to the present board of health and which was operated by virtue of an act of the general assembly approved August 23, 1879, as amended by an act approved December 8, 18-80, as amended by an act approved August 15, 1922, as amended by an act approved August 2, 1924, shall be counted in computing the total number of years of service credited to those employees who were in the service of either organization and who continued in the service of the present Richmond County board of health and/or department of health and who are in the service of said board and/or department of health at the time of the adoption of this act.

(b) A call to active duty in the armed forces of the United States involuntarily by direction of the President of the United States of any employee shall be counted in the total time of service of such employee for retirement purposes; providing, said employee returns to his position with said board within ninety days after his discharge from said armed services. The status of volunteers is to be determined by a joint committee from the board of health and health department employees.

(1) *Employee.* All employees of the Richmond County Board of Health and/or Department of Health, that are elected or appointed by the board.

(2) *Board or the board.* The Richmond County Board of Health; department shall mean the Richmond County Department of Health.

(3) The masculine shall include the feminine and the singular shall include the plural, wherever the context requires it.

(4) *Year or years.* Full calendar years; intervening legal holidays, annual leaves, and sick leaves not to be deducted.

(5) *Effective date.* The first day of the first month following the approval of this act by the governor.

(6) *Finance officer.* Some person designated by the board to be responsible for the collection, disbursement and keeping records of the fund.

(7) *Chairman of the board.* The chairman of the Richmond County Board of Health. (Ga. Laws 1945, p. 963, § 2; Ga. Laws 1953, Jan.--Feb. Sess., p. 3262.)

## **§ 9-30. CREATION; ADMINISTRATION.**

There is created a permanent pension fund for the benefit of every employee covered by this act, and said fund shall be known as the board of health employees' pension fund and shall be kept in a separate account earmarked board of health employees' pension fund with a separate permanent record thereof, which record shall be kept by the finance officer of said board, and no warrant shall be drawn on said fund except as provided in this act, except that at any time said fund exceeds the maximum amount insured by the Federal Deposit Insurance Corporation, on deposit in any one bank, said finance officer shall purchase bonds for the benefit of the said pension fund with all excess above the maximum amount insured by the Federal Deposit Insurance Corporation provided said bonds are approved by the Georgia laws for purchase by trustees of trust estates in Georgia.

The finance officer shall at no time have in any one bank more than the maximum amount insured by the Federal Deposit Insurance Corporation of said pension funds, and all such depositories shall be in Richmond County, Georgia. The said finance officer's voucher, when countersigned by the chairman of the board, shall be the method of withdrawal from said pension fund; acting finance officer, or acting chairman, when properly designated as such in accordance with the ordinances of Richmond County Board of Health, shall have authority to perform all acts and duties, and shall perform all acts and duties conferred by this act on said finance officer or chairman, hereinafter provided for, shall likewise include and cover anyone acting in his stead as acting finance officer or chairman. (Ga. Laws 1945, p. 963, § 3; Ga. Laws 1953, Jan.--Feb. Sess., p. 3262.)

**§ 9-31. ENFORCEMENT OF ACT.**

It shall be the duty of the board to see that the provisions of this act are carried out strictly in conformity with this act. (Ga. Laws 1945, p. 963, § 4.)

**§ 9-32. SEPARATE FROM BOARD MONIES.**

Said board of health employees' pension fund shall be kept separate from all board monies. (Ga. Laws 1945, p. 963, § 5.)

**§ 9-33. RECORDS--DECISIONS OF BOARD AS TO FUND; WITHDRAWALS.**

All decisions of the board in regard to said pension fund, or any withdrawal therefrom, shall be entered on a separate pension record kept by the finance officer, and shall also be kept on the minutes of said board and all entries appearing on the minutes of the board shall be transcribed by said finance officer upon his permanent record book as to said pension fund, in order to readily determine the status of said fund, and each of the said records shall be a legal record thereof, and it shall be the duty of said board to see that said records conform one to the other at all times. (Ga. Laws 1945, p. 963, § 6.)

**§ 9-34. SAME--RECEIPTS AND DEDUCTIONS; INSPECTION.**

The finance officer shall keep a full and complete record of receipts for and deductions from said fund, and of deductions from the salaries, wages and compensation of employees, and of the payments made into said fund. Such records of the finance officer, together with any records furnished him by the board, shall be open to inspection at all regular business hours. (Ga. Laws 1945, p. 963, § 8.)

## § 9-35. CONTRIBUTIONS.

The sum of three per centum shall be deducted by the said finance officer from the salary, wages or remuneration of each employee of the board not specifically excluded by this act, as and when paid, by pay vouchers, or other forms of payment, for services rendered. This deduction shall be deposited by said finance officer in the board of health employees' pension fund in conformity with this act, and he, the said finance officer, is designated as custodian of such fund. During each year after the effective date of this act, the board shall pay over to said finance officer for said board of health employees' pension fund, and which shall become a part thereof and be the property of such fund, a sum equal to the amount deducted by the finance officer from the salaries, wages or remunerations, and it is hereby made the duty of said finance officer to collect and receive said equal sum from the board, and the board shall pay it over to him, as herein directed, and he shall collect the same promptly and deposit it in said board of health employees' pension fund; provided, however the board shall have authority from time to time to increase the contributions by said employees up to five per centum of such salary, wage or remuneration, but upon each such increase on the part of such employees, then and in that event the board shall make its contributions correspond to the percentage deducted from such employee's salary, wage or remuneration; provided, however, that before said board shall be authorized to increase said contribution by itself and said employees, said pension fund shall have been depleted so that there shall not be in the fund an amount sufficient to pay the pensions of those on the pension roll for a period of twelve months, provided, however, should in the judgment of said board, said pension fund shall have grown to such an extent as to reduce the contributions to this fund down to as low as three per centum, then and in that event, said board shall have authority so to do. The Richmond County Board of Health shall never reduce its contributions below the percentage of contributions from employees' salaries, wages or remuneration. (Ga. Laws 1953, Jan.--Feb. Sess., p. 3262, § 7.)

**§ 9-36. FUND NOT PROPERTY OF BOARD.**

The said fund is hereby declared not to be the property of said board and this includes any sum paid in or directed to be paid in by said board, and it shall reserve no property in any sum raised or due by virtue of this act. (Ga. Laws 1945, p. 963, § 9.)

**§ 9-37. FUND DEFICIENCIES MET BY APPROPRIATIONS.**

When a pension is properly allowed as herein provided, and becomes a charge on said pension fund, if there is not sufficient money in said pension fund to pay said pension promptly at the time it falls due, and from time to time, then the board shall provide by appropriation a sufficient sum to meet any such deficiency in payment of such pension or pensions, so that any and all pensions shall be paid when due, which will be at the same time and in the same manner as monthly salaries are paid; provided, further that the contributions to said fund by said board shall be a legitimate item in the annual appropriations of said board, which shall be paid over to said board by the City Council of Augusta and Richmond County on the same percentage basis as other annual appropriations made to said board by said city and county. (Ga. Laws 1945, p. 963, § 10.)

**§ 9-38. QUALIFICATION FOR BENEFITS AFTER EFFECTIVE DATE OF ACT.**

Any person who becomes an employee after the effective date of this act, in order to come under any of the benefits of this act, or be entitled to any of the benefits of this act as an employee shall furnish to said board proof of his age and a health certificate to its satisfaction as to his age and to its satisfaction as to his good health at the time of such employment and at the time of his employment shall file the proof of his age and certificate of his health with the secretary of the board and said certificate shall be from a reputable practicing physician in the City of Augusta, designated for that purpose by said board. (Ga. Laws 1945, p. 963, § 11.)

**§ 9-39. RETIREMENT--COMPUTATION OF PENSION--TWENTY-FIVE YEARS SERVICE.**

Every employee in active service and employment at the time of the effective date of this act, or hereafter, whose total service as an employee shall at any time amount to twenty-five years, may retire on his own motion, and this shall include any employee who shall have served twenty-five years prior to the effective date of this act, and any employee who shall serve his twenty-five years after the effective date of this act, and also include any employee who serves twenty-five years regardless of whether part of said service is before the effective date of this act and part of the service is after the effective date of this act, such employee shall be retired at one-half of the highest salary or wage or remuneration he has received as an employee within the period of seventy-two months immediately preceding his retirement, plus two per centum for each year's service beyond said twenty-five years, however, at no time shall any pension exceed sixty per centum of the highest salary, or wage or remuneration paid to said employee within the period of seventy-two months immediately preceding his retirement. Salary increases in effect for less than six months preceding retirement are not to be used in computation of pensions. Any employee may be retired at the expiration of thirty years' service and after attaining the age of sixty-five years at the discretion of the board of health. (Ga. Laws 1953, Jan.--Feb. Sess., p. 3262, § 12.)

**§ 9-40. SAME--SAME--EMPLOYEES ENTERING SERVICE AFTER JULY 1, 1953.**

Any employee entering the service of the board as a regular employee on or after July 1, 1953, and contributing to the general retirement fund shall be entitled to retire on a pension computed at two per centum per annum of the highest salary, wage or remuneration he has received as an employee within the period of seventy-two months immediately preceding his retirement; provided, said employee shall have attained the age of sixty-five years, however at no time shall any pension exceed sixty per centum of the highest salary, wage or remuneration paid to said employee within the period of seventy-two months immediately preceding his retirement. Salary increases in effect for less than six months preceding retirement are not to be used in computation of pensions. The provisions for retirement due to physical disability as set forth in section 43 and section 44 of this act shall not be affected. (Ga. Laws 1953, Jan.--Feb. Sess., p. 3262, § 12(a).)

**§ 9-41. SAME--SAME--EFFECT OF INVOLUNTARY SEPARATION.**

Each employee in active service and employment at the time of the effective date of this act, or hereafter, whose total service as an employee amounts to at least twenty years, that is separated from the service involuntarily by action of said board will constitute a retirement of such employee if he so elects. Such employee so retired shall be retired at two per centum of his salary times the number of years he has served as an employee, at the highest salary, wage or remuneration he has received as an employee within the period of seventy-two months immediately preceding his retirement; the years of service shall be twenty or more years before the effective date of this act, or twenty or more years after the effective date, or twenty or more, part of which was served prior to the effective date of this act and part of which was served after the effective date of this act; provided, however, no employee shall draw any benefits under this section if his involuntary separation from the services of the board is found by the board to have been caused by the employee's wilful misconduct, or self-inflicted injury, or growing out of his attempt to injure another, or due to intoxication or wilful misconduct, or due to the commission of crime under the laws of this state, or any other state of the United States. (Ga. Laws 1945, p. 963, § 13.)

**§ 9-42. SAME--SAME--AGE SIXTY-FIVE.**

Any employee when he is sixty-five years of age, whether he became sixty-five years of age prior to the effective date of this act, or becomes sixty-five on or after the effective date of this act, may retire at will at two per centum of the highest salary or wage or remuneration he has received as an employee within seventy-two months immediately preceding his retirement, times the number of years served, not to exceed sixty per centum of the highest of such salary, or wage or remuneration received; provided, that said employee has at least ten or more years of service as an employee; and, provided, further that during the first five years from the effective date of this act, the foregoing provisions shall not apply unless such voluntary retirement is approved by a majority of said board, anything in this act to the contrary notwithstanding; provided, however, should any employee retire under the terms of this section who has served twenty-two years or more as an employee, he shall then receive as his pension fifty per centum of his salary, wage or remuneration at the time of his retirement, subject to the limitations of maximum pensions provided for in section 39 hereof. (Ga. Laws 1945, p. 963, § 14.)

### **§ 9-43. DISABILITY PAYMENTS--WHEN EMPLOYEE DISABLED WHILE IN DISCHARGE OF DUTIES.**

Any employee who is permanently and totally disabled while in the discharge of his duties, and arising out of and in the course of his employment for said board, whether said disability is caused by injury or disease, shall be placed on the pension list; provided, he has prior to said permanent and total disability, continuously, actively performed the duties of his employment for one year after the effective date of this act, and shall be paid while so permanently and totally disabled one-half of the highest salary or wage or remuneration that he has received as an employee within the period of seventy-two months immediately preceding his said permanent and total disability. Provided, however, that should said employee receive any workmen's compensation while so disabled, such workmen's compensation so received, excluding medical, doctor, nursing and hospitalization, shall be subtracted from any pension, voucher paid such employee, and he shall receive only the excess of any pension due him after the subtraction of the amounts of workmen's compensation received by him, less any other indebtedness due the board by said employee, and it shall be the duty of said board to determine the cause and manner of the claimed permanent and total disability and to declare in its findings whether or not such disability is permanent and total. Totally and permanently disabled shall mean that the employee is not able, on account of disability received in the discharge of his duties, to adequately discharge the duties of his job or office, nor ever will be, and no employee shall be declared to be totally and permanently disabled to discharge the duties of his job or office, except upon the recommendation of three reputable physicians, after examination, who shall consider the case and make their findings. One of said physicians shall be selected by said board, one by the employee, and these two shall select the third. The recommendations of the physicians shall state that they find him totally and permanently disabled from performing the duties of his job or office and/or that they do not find him totally and permanently disabled from performing the duties of his job or office, and the majority report of the physicians state that they find the employee totally and permanently disabled from performing the duties of his job or office, then said employee shall be declared totally and permanently disabled, and entitled to draw the pension hereinbefore set out, and his right to draw said pension shall date back to the time of injury; provided, however, that no employee shall draw any benefits under this section if his disability is found by the board to have been caused by the employee's wilful misconduct, or self-inflicted injury, or growing out of his attempt to injure another, or due to intoxication or the wilful misconduct, or due to the commission of crime under the laws of this state, or any other state of the United States; and provided further it shall be the duty of said board to make frequent investigations of the disability of such employee, and in the event it determines that he is no longer totally and permanently disabled and is able to actively perform his duties or services that he was employed to perform at the time of his injury that resulted in the claimed permanent and total disability, to order said pensioner to return to work and remove him from the pension list; provided, however, after said employee is declared permanently and totally disabled and he desires to accept other employment with the board that he is able to perform that is offered him by said board, as long as he performs such duty he shall be paid at least as much as he would receive from his pension but shall not receive a pension, and in such cases the employee may leave such employment at any time he sees fit and be immediately returned to the pension list at the sum that he was retired on, and the board may strike him from the payroll and return him to the pension list at any time it sees fit. (Ga. Laws 1945, p. 963, § 15.)

**§ 9-44. SAME--WHEN EMPLOYEE REGARDLESS OF CAUSE CANNOT PERFORM DUTIES.**

Any employee who after one year from the effective date of this act that shall become disabled and cannot perform the duties of his employment and who has to his credit twelve years of employment as an employee, whether such twelve years be before the effective date of this act, or be after the effective date of this act, or part of such years are before the effective date of this act, and part after the effective date of this act, and who, after four weeks continuous unbroken disability, makes application in person or by his authorized representative, to the Richmond County Board of Health, and is found by said board disabled and cannot perform the duties of his employment, shall be placed on the pension list and receive, while so disabled, excluding first four weeks, a pension of two per centum of the highest salary or wage or remuneration he has received as an employee within seventy-two months immediately preceding such disability times the number of years served, during the continuance of his disability. Provided, it shall be the duty of the board to make frequent investigations of such cause and return such employee to active duty or service as soon as he is able to return, at which time his pension, by virtue of this section, will stop. Provided, that should such employee receive any workmen's compensation, while so disabled, such workmen's compensation so received, excluding medical, doctors, nursing and hospitalization, shall be subtracted from any pension voucher paid said employee and he shall receive only the excess of any pension due him after the subtraction of the amounts of workmen's compensation, as well as any other indebtedness that may be due the board; provided, further, that no employee shall draw any benefits under this section if his disability is found by the board to have been caused by the employee's wilful misconduct or self-inflicted injury, or growing out of his attempt to injure another, or due to intoxication, or wilful misconduct, or due to the commission of a crime under the laws of this state or any other state of the United States; provided, however, none of the provisions of this act shall detract from the rights of such employee under the rules pertaining to annual or sick leave as fixed by the laws of Georgia and the rules and regulations of the Georgia Merit System for employees covered by said merit system; provided, further, that such pension shall date from the expiration of any annual or sick leave that may be to the credit of the employee at the beginning of his disablement. (Ga. Laws 1945, p. 963, § 16.)

**§ 9-45. SEPARATION OR DISCHARGE; ABOLISHMENT OF OFFICE--PARTIAL RETURN OF CONTRIBUTIONS.**

Any employee, who, before retirement, voluntarily, absolutely separates from the service, or who is discharged, or whose office or position is abolished, shall have returned to him or his estate, within ninety days of the date of application after he is absolutely separated or his discharge becomes final, ninety per centum of the amount of deductions from his salary, wages or remuneration by virtue of this act, without interest, less any disability payments he has received, also less any indebtedness whatever that may be due the board; provided, such employee has, after becoming such employee and after the effective date of this act, continued in continuous employment as provided by this act for twelve months, and when said ninety per centum is returned to said employee, he shall not have any further claim or rights to receive any fund, or payments whatsoever of any kind or character from said fund. (Ga. Laws 1945, p. 963, § 17.)

**§ 9-46. SAME--SAME--REPAYMENT OF REFUND UPON REEMPLOYMENT.**

Any employee who before retirement, or who voluntarily separates from the service, or is discharged, or his office or position abolished and is thereafter re-employed by the board, and upon the presentation to the board of a certificate from a doctor designated by the Richmond County Board of Health, certifying that such permanent employee is in good health and able to perform actively the duties of his employment by the board, his services prior to such separation or discharge shall be counted in his length of service with the board; provided, he shall, before he completes twelve months continuous employment after being so re-employed by the board, pay back into the pension fund, by paying to the finance officer of said board, the amount refunded to such employee by reason of such separation or discharge. (Ga. Laws 1945, p. 963, § 19.)

**§ 9-47. LIMITATION OF ONE BENEFIT PER PERSON.**

There shall not be paid to any person whomsoever more than one benefit at a time under this act. (Ga. Laws 1945, p. 963, § 20.)

**§ 9-48. APPLICATION FOR PENSION.**

All applications for pension shall be made to the secretary of the board on forms prescribed by the Richmond County Board of Health and printed for use in such cases, and it shall be the duty of the Richmond County Board of Health to provide said forms at all times and the secretary of the board shall immediately transmit such application to the attorney for said board for his approval as to form and procedure, and upon his approval, same shall then be presented to the board. (Ga. Laws 1945, p. 963, § 22.)

**§ 9-49. CONSOLIDATION OF FUNDS PROVIDED FOR BY ACT AND PRIOR FUNDS.**

The pension fund of the Richmond County Board of Health and/or Department of Health heretofore created by acts of the general assembly and all funds therein at the time of the effective date of this act shall be made a part of the fund provided for herein. Said board is further authorized to set aside other sums as may be available from earnings of the department and received as bequests and legacies that may be bequeathed to said employees' pension fund. (Ga. Laws 1945, p. 963, § 23.)

**§ 9-50. INTEGRATION WITH STATE PENSION FUND.**

Said board is further granted authority to integrate the pension system herein provided for with that of the Georgia State Department of Health where same may work to the advantage of the board and said employees. (Ga. Laws 1945, p. 963, § 24.)

**§ 9-51. ANNUAL REPORT.**

At the close of each year the finance officer shall make a written report to the Richmond County Board of Health of funds on hand and liabilities of said pension, both accrued and contingent. (Ga. Laws 1945, p. 963, § 25.)

**§ 9-52. ACT CONSTITUTES CONTRACT.**

The act constitutes a contract between the Richmond County Board of Health and each employee now and hereafter from the date it becomes effective. (Ga. Laws 1945, p. 963, § 27.)

**§ 9-53. VIOLATIONS.**

Any person whosoever covered by this act, or administering the provisions of this act that violates the provisions of this act shall be guilty of a misdemeanor and shall be punished, if found guilty, as provided for the punishment of a misdemeanor in this state. (Ga. Laws 1945, p. 963, § 28.)

**§ 12-1. INTERMENT OF DECEASED INDIGENTS--GENERALLY; REIMBURSEMENT OF COUNTY BY BOARD OF OFFENDER REHABILITATION FOR CERTAIN BURIALS.**

(a) Whenever any person dies in this state and the decedent, his family, and his immediate kindred are indigent and unable to provide for his decent interment, the governing authority of the county wherein the death occurs shall make available from county funds a sum sufficient to provide a decent interment of the deceased indigent person or to reimburse such person as may have expended the cost thereof voluntarily, the exact amount thereof to be determined by the governing authority of the county, provided that in no event shall the sum to be made available by the county be less than \$75.00 or more than \$250.00.

(b) The department of offender rehabilitation is authorized to reimburse the governing authority of the county where expenditures have been made in accordance with this code section for the burial of any inmate under the authority, jurisdiction, or control of the department of offender rehabilitation; but in no case shall the governing authority of the county be entitled to reimbursement where the decedent was in the custody of a county correctional institution or other county correctional facility. (O.C.G.A., § 36-12-5)

**§ 13-1. AUTHORITY OF GENERAL ASSEMBLY RELATIVE TO COUNTY.**

Notwithstanding any other provision of this constitution, the general assembly is authorized to create, by local law, a merit system of employment for all or some of the employees of the sheriff of Richmond County who are paid in whole or in part by county funds. (Ga. Laws 1982, p. 2639, § 1)

**§ 13-21. HOSPITALIZATION INSURANCE AUTHORIZED.**

The general assembly shall have authority to enact laws authorizing the County of Richmond in the sole discretion of its governing authority to participate in and contribute to a group hospitalization insurance policy covering its employees, either by direct contribution to such a fund, or by payment of insurance premiums, or by a combination of such methods, for all or any employees and officers who are compensated by Richmond County, and who hold their offices and positions either by election or appointment; to levy taxes for these purposes and to enact laws establishing rules for tenure of office for such officers and employees, and for other purposes consistent therewith. (Ga. Laws 1962, p. 778)